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L A W S

OF THE

C O M M O N W E A L T H

OF

P E N N S Y L V A N I A,

FROM THE FOURTEENTH DAY OF OCTOBER, ONE THOU-
SAND SEVEN HUNDRED.

Republished,

UNDER THE

AUTHORITY OF THE LEGISLATURE.

WITH

NOTES AND REFERENCES.

VOL. V.

PHILADELPHIA:

PRINTED AND PUBLISHED BY JOHN BIORN, NO. 88, CHESNUT-STREET.

1812.

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LAWS

OF

P E N N S Y L V A N I A,

REPEALED, OBSOLETE, AND EXPIRED.

- A. D. 1809. **C** H A P T E R 3005. An act to enable the administrators of Henry Lennox Sheperd, late of the county of Westmoreland, deceased, to convey certain lots of ground to the purchasers thereof: passed 16th January, 1809; recorded in law book No. XI. page 270; private act; obsolete.
3006. An act authorizing Thomas M'Kean Thompson to sell and convey in fee simple, a certain interest in a tract of donation land therein mentioned: passed 24th January, 1809; recorded in law book No. XI. page 270; private act; obsolete.
3007. An act for the relief of Casper Shaffner: passed 24th January, 1809; recorded in law book No. XI. page 271; obsolete.
3009. An act dissolving the marriage of John McClellen and Margaret McClellen his wife: passed 4th February, 1809; recorded in law book No. XI. page 272; private act.
3010. An act further extending the act, entitled "An act for the relief of divers inhabitants of the county of Adams:" passed 4th February, 1809; recorded in law book No. XI. page 273; expired.
3018. An act authorizing Jonathan Bayard Smith, Gavin Hamilton and Peter Le Barbier Duplessis, to convey a lot of ground situate in the city of Philadelphia: passed 23d February, 1809; recorded in law book No. XI. page 279; private act; obsolete.
3019. An act for the relief of the heirs of Frederick Vernon, deceased: passed 23d February, 1809; recorded in law book No. XI. page 280; obsolete.
3020. An act authorizing the commissioners of Indiana county to assess and collect county taxes in the county of Jefferson: passed 23d February, 1809; recorded in law book No. XI. page 280; obsolete.
3023. An act authorizing Jacob Kimmel and Abraham Konigmacher, of Lancaster county, to sell and convey certain lands therein mentioned: passed 23d February, 1809; recorded in law book No. XI. page 282; private act; obsolete.
3024. An act confirming the title of Manning Martain, to certain lands therein mentioned: passed 23d February, 1809; recorded in law book No. XI. page 283; private act; obsolete.
3025. An act to enable the administrators of Basil Brown, late of the county of Fayette, deceased, to convey certain lots of ground in and near the town of Brownsville, to the purchasers thereof: passed 23d February, 1809; recorded in law book No. XI. page 284.
3037. An act allowing further time to the commissioners of Luzerne county for the re-payment of certain monies due the commonwealth: passed 16th March, 1809; recorded in law book No. XI. page 300. The commissioners of Luzerne having complied with the conditions of this act, it is now obsolete.

A. D.

1809. CHAP. 3041. An act making a new arrangement of the treasury department, and enjoining certain duties on county commissioners: passed 17th March, 1809; recorded in law book No. XI. page 314; repealed and supplied 30th March, 1811.
3042. An act to authorize the guardians of the person and estate of Doctor John Houston, of the county of Lancaster, to sell and convey certain lands therein mentioned: passed 17th March, 1809; recorded in law book No. XI. page 316; obsolete.
3047. An act authorizing John Sharp, acting administrator of John Sutton, deceased, to make and execute certain titles to land therein mentioned: passed 22d March, 1809; recorded in law book No. XI. page 324; obsolete.
3049. An act granting a sum of money to Catharine Shibe, for services rendered by her late husband in the revolutionary war: passed 23d March, 1809; recorded in law book No. XI. page 326; obsolete.
3055. A supplement to an act, entitled "An act supplementary to an act to raise by way of lottery, a sum not exceeding eight thousand dollars, for the use and benefit of the minister, wardens and vestry of the African Episcopal Church of St. Thomas, in the city of Philadelphia:" passed 25th March, 1809; recorded in law book No. XI. page 332.
3067. An act supplementary to an act, entitled "An act to regulate arbitrations and proceedings in courts of justice:" passed 29th March, 1809; recorded in law book No. XI. page 349; repealed and supplied 20th March, 1810.
3071. An act to confirm the title of Samuel Work, to certain lands therein mentioned: passed 29th March, 1809; recorded in law book No. XI. page 354; obsolete.
3073. A supplement to an act, entitled "An act for the relief of the heirs of Frederick Vernon, deceased:" passed 31st March, 1809; recorded in law book No. XI. page 355; obsolete.
3074. An act to empower John Knauss and John Lerch, administrators of Paul Knauss, deceased, to convey two tracts of land in the county of Northampton: passed 31st March, 1809; recorded in law book No. XI. page 356.
3075. An act authorizing the secretary of this commonwealth, to issue a patent to George Baker, for a lot of ground therein mentioned: passed 31st March, 1809; recorded in law book No. XI. page 357; obsolete.
3076. An act to enable the administrators of James Carnahan, late of the county of Westmoreland, deceased, to convey a certain tract of land to the purchaser thereof: passed 31st March, 1809; recorded in law book No. XI. page 357.
3081. An act to repeal an act, entitled "An act establishing an auction store in the borough of Lancaster:" passed 3d April, 1809; recorded in law book No. XI. page 364; obsolete.
3083. An act granting to certain patentees in Luzerne county further time to record their patents: passed 3d April, 1809; recorded in law book No. XI. page 365; expired.
3086. An act for the relief of William McKibben and George Long: passed 3d April, 1809; recorded in law book No. XI. page 366; obsolete.
3089. An act for the relief of John Vanlear: passed 4th April, 1809; recorded in law book No. XI. page 373; obsolete.
3090. A supplement to the act, entitled "An act to provide for the erection of a house for the employment and support of the poor in the county of Cumberland:" passed 4th April, 1809; recorded in law book No. XI. page 374; expired.
3092. An act for the relief of James Seals and Samuel Israel: passed 4th April, 1809; recorded in law book No. XI. page 374; obsolete.
3094. An act to dissolve the marriage of Peter Rickenbach and Ann his wife: passed 4th April, 1809; recorded in law book No. XI. page 375.

A. D.

1809. CHAP. 3095. An act empowering certain trustees therein named, to convey three tracts or pieces of land, situate in Williams' township in the county of Northampton, and to appropriate the monies arising from the sale thereof, for the purposes therein mentioned: passed 4th April, 1809; recorded in law book No. XI. page 375.
3110. An act relative to certain proceedings in the case of the prize sloop Active: passed 4th April, 1809; recorded in law book No. XI. page 390; obsolete.
3118. An act making appropriations to defray certain expenses of government, and for other purposes: passed 4th April, 1809; recorded in law book No. XI. page 394.
3119. An act confirming the title of Matthias Greenawalt to certain lands therein mentioned: passed 25th December, 1809; recorded in law book No. XII. page 1; obsolete.
1810. 3126. An act to authorize the administrators of Emmor Jefferies, late of the county of Lancaster, deceased, to convey a certain lot of ground to the purchaser thereof: passed 30th January, 1810; recorded in law book No. XII. page 7.
3127. A supplement to an act, entitled "An act in aid of the company for erecting a bridge over the river Delaware, at the borough of Easton:" passed 30th January, 1810; recorded in law book No. XII. page 8. (The money having been repaid, this act is now obsolete.)
3134. An act for the relief of John Jordan: passed 6th February, 1810; recorded in law book No. XII. page 15; public personal act; obsolete.
3138. An act to enable the administrators of Mark Deary, late of the borough of Pittsburgh, deceased, to convey a certain lot of ground to the purchaser thereof: passed 12th February, 1810; recorded in law book No. XII. page 17; private act.
3144. An act to perfect the title of Thomas Harrison, Philip Jones and Robert C. Martin, to a lot of ground in the county of Philadelphia: passed 14th February, 1810; recorded in law book No. XII. page 26.
3145. An act to authorize the administrators of William Rodgers, deceased, to convey a certain tract or parcel of land to the purchaser: passed 21st February, 1810; recorded in law book No. XII. page 27.
3154. A supplement to an act, entitled "An act authorizing the president, adjuntas and members of the Hebrew congregation, of the city of Philadelphia, to raise by way of lottery, a sum of money for the repairs of their synagogue and burial place, and for other purposes of relief: passed 28th February, 1810; recorded in law book No. XII. page 47.
3155. An act authorizing the governor to contract with John Bioren for printing a certain number of copies of the laws of this commonwealth: passed 28th February, 1810; recorded in law book No. XII. page 47. (This act is obsolete; but is prefixed to the first volume of this edition.)
3158. An act authorizing commissioners to fix upon a site for the erection of a bridge over the river Delaware, between Howell's and Well's falls, and for other purposes: passed 7th March, 1810; recorded in law book No. XII. page 49; repealed and supplied 23d March, 1811.
3164. An act to revive and extend an act, entitled "An act for the relief of divers inhabitants of the county of Adams:" passed 10th March, 1810; recorded in law book No. XII. page 65; expired.
3165. An act to authorize John Corey, administrator of the estate of Levy Corey, deceased, to convey a certain piece of land therein mentioned: passed 10th March, 1810; recorded in law book No. XII. page 66.
3174. An act for the relief of Patrick McGee: passed 10th March, 1810; recorded in law book No. XII. page 77; obsolete.

A. D.

1810. CHAP. 3177. An act appropriating a sum of money for improving the road from Pittsburgh, through Camonsburgh, to the town of Washington, in the county of Washington: passed 19th March, 1810; recorded in law book No. XII. page 81; obsolete.
3183. An act to enable Catharine Shaeffer, administratrix of John Shaeffer, late of the county of Berks, deceased, to convey a lot of ground to Philip Weaver: passed 19th March, 1810; recorded in law book No. XII. page 86.
3186. An act for the benefit of John Ritter and Charles Kessler: passed 19th March, 1810; recorded in law book No. XII. page 90; obsolete.
3189. An act to empower John Hopkins and Robert A. Byers, to sell and convey a certain tract or piece of land therein mentioned: passed 19th March, 1810; recorded in law book No. XII. page 93.
3197. An act for the relief of Michael Wann, an old soldier: passed 19th March, 1810; recorded in law book No. XII. page 108; obsolete.
3198. An act granting relief to Michael Nowlin: passed 19th March, 1810; recorded in law book No. XII. page 108; obsolete.
3201. An act authorizing John Baird, Hugh Baird, and Samuel Adams, executors of the last will and testament of John Baird, deceased, to make a title for a certain tract of land, therein mentioned: passed 19th March, 1810; recorded in law book No. XII. page 113.
3202. An act authorizing William Liggins to receive a patent for a donation tract of land in trust for Mary his wife: passed 19th March, 1810; recorded in law book No. XII. page 114; obsolete.
3207. An act for the relief of Richard Bache and others: passed 19th March, 1810; recorded in law book No. XII. page 117; obsolete.
3220. An act confirming the title of James Parry to a tract of land in Chester county: passed 20th March, 1810; recorded in law book No. XII. page 150.
3221. An act for the relief of John Connor: passed 20th March, 1810; recorded in law book No. XII. page 150.
3224. An act granting a sum of money for the purpose of building a bridge over Shenango, and opening a road in the county of Mercer: passed 20th March, 1810; recorded in law book No. XII. page 154; obsolete.
3230. A supplement to an act entitled "An act authorizing the governor to incorporate a company for making an artificial road from Safe-Harbour, at the mouth of Conestogoe creek, through the village of Strasburgh, to intersect either the Gap and Newport turnpike, or the Philadelphia and Lancaster turnpike road, or as near the former as possible: passed 20th March, 1810; recorded in law book No. XII. page 168; expired.
3243. An act dissolving the marriage of Lewis Albertus and Zilla his wife: passed 20th March, 1810; recorded in law book No. XII. page 186.
3246. An act making appropriation for the employment of additional clerks in the land-offices: passed 20th March, 1810; recorded in law book No. XII. page 195; expired.
3254. An act confirming the titles of James Hickman, John King, and others, to certain lands, and for other purposes therein mentioned: passed 20th March, 1810; recorded in law book No. XII. page 217.
3259. An act to relinquish the title of this commonwealth to a certain tract of land lately held by Adam Smith, and vest the same in his widow Amy Smith: passed 22d December, 1810; recorded in law book No. XII. page 232.
3260. An act to remedy a defect in the title of Isaac Wisener to a lot of land situate in New London township, in the county of Chester: passed 22d December, 1810; recorded in book No. XII. page 233.
1811. 3267. An act for the relief of John Longenecker: passed 23d January, 1811; recorded in law book No. XII. page 237.
3270. A supplement to an act entitled "An act in confirmation of a partition made of certain lands in Lycoming county:" passed 23d January, 1811; recorded in law book No. XII. page 240.

- A. D.**
1811. CHAP. 3274. An act granting a sum of money to William Blakeney, a soldier in the revolutionary war: passed 6th February, 1811; recorded in law book No. XII. page 244; obsolete.
3275. An act authorizing William Mears and John Ritter, executors of the last will and testament of George Easterly, deceased, to sell and convey a certain lot of ground therein mentioned: passed 6th February, 1811; recorded in law book No. XII. page 244.
3276. An act to authorize Jacob Winrott, executor of the estate of Adam Knouff, deceased, to convey a lot of land therein described, to George Burgess: passed 6th February, 1811; recorded in law book No. XII. 245.
3289. An act for the relief of the trustees of Youghiogeny bridge in Somerset county: passed 13th February, 1811; recorded in law book No. XII. page 265; obsolete.
3292. A supplement to act, entitled "An act authorizing the governor to contract with John Bioren for printing a certain number of copies of the laws of this commonwealth:" passed 13th February, 1811; recorded in law book No. XII. page 267; obsolete.
3296. A supplement to the act, entitled "An act to enable the administrators of Mark Deary, late of the borough of Pittsburgh, deceased, to convey a certain lot of ground to the purchaser thereof: passed 13th February, 1811; recorded in law book No. XII. page 270.
3297. An act to enable the administrators of James Scott, late of the borough of Gettysburgh, deceased, to convey a certain lot of ground therein described, to George Lashells: passed 13th February, 1811; recorded in law book No. XII. page 271.
3299. An act confirming the title of James French, an alien, a man of colour, to a piece of land in the county of Chester: passed 13th February, 1811; recorded in law book No. XII. page 273.
3304. An act to remedy a defect in the title of Jacob C. Welper to certain lots in the town of Berwick, in the county of Luzerne, and in the borough of Easton, in the county of Northampton: passed 1st March, 1811; recorded in law book No. XII. page 278.
3306. An act for the relief of Frederick Hake: passed 1st March, 1811; recorded in law book No. XII. page 281; obsolete.
3308. An act to remunerate the heirs of John Murray, of Middle Paxton township, Dauphin county: passed 1st March, 1811; recorded in law book No. XII. page 283; obsolete.
3312. An act for the relief of James Horner, Robert Horner, William Horner and Hugh Horner, heirs of Hugh Horner, deceased: passed 18th March, 1811; recorded in law book No. XII. page 290; obsolete.
3313. An act for the relief of Thomas McKeen: passed 18th March, 1811; recorded in law book No. XII. page 291; obsolete.
3318. An act dissolving the marriage of William Moland and Hannah his wife: passed 20th March, 1811; recorded in law book No. XII. page 296.
3328. An act for the relief of Clement Biddle: passed 20th March, 1811; recorded in book No. XII. page 314; obsolete.
3329. An act for the relief of Robert Lyon: passed 20th March, 1811; recorded in law book No. XII. page 315; obsolete.
3334. An act remunerating William Cecil for a lot of ground therein mentioned: passed 23d March, 1811; recorded in law book No. XII. page 331; obsolete.
3339. An act for the relief of certain persons therein mentioned: passed 28th March, 1811; recorded in law book No. XII. page 335; obsolete.
3340. An act to compensate William Henry Kilbuck, a chief of the Delaware tribe of Indians: passed 28th March, 1811; recorded in law book No. XII. page 336; obsolete.
3342. An act supplementary to an act, entitled "An act establishing the seat of government of the commonwealth of Pennsylvania, at Harrisburgh, in the county of Dauphin:" passed 29th March, 1811; recorded in law book No. XII. page 337.

A. D.

1811. CHAP. 3348. An act for the relief of the widow and children of David Sharpless, deceased, late a soldier in the Pennsylvania line: passed 30th March, 1811; recorded in law book No. XII. page 361; obsolete.
3349. An act to empower the trustees of the Meadville seminary of learning to remit a debt due from Patrick Davis, and for other purposes: passed 30th March, 1811; recorded in law book No. XII. page 361; obsolete.
3356. An act extending the power of the trustees of the Greensburgh academy: passed 30th March, 1811; recorded in law book No. XII. page 385; obsolete.
3380. An act to authorize John Wierman and John Wright, executors of the estate of Henry Wierman, deceased, to convey a certain lot of land therein described, to Nicholas Wierman: passed 2d April, 1811; recorded in law book No. XII. page 444.
3381. An act for the relief of the heirs of Samuel Cunningham, deceased: passed 2d April, 1811; recorded in law book No. XII. page 445.
3383. An act empowering James Walton and Samuel Black to convey a part of the real estate of John Sutor, a lunatic: passed 2d April, 1811; recorded in law book No. XII. page 447.
3394. A supplement to the act, entitled "An act to erect parts of Lycoming, Huntingdon, and Somerset counties, into separate county districts:" passed 2d April, 1811; recorded in law book No. XII. page 483; obsolete.
3398. An act for the relief of George Youndt, the younger, a prisoner confined in the gaol of Lancaster county: passed 2d April, 1811; recorded in law book No. XII. page 488; obsolete.
3399. An act granting to John Carson, a certain tract of land: passed 2d April, 1811; recorded in law book No. XII. page 489.
3400. An act to relinquish the right of this commonwealth to certain real and personal estate lately held by Charles Morris and Henry Morris, and to vest the same in Mary McCurdy and Jane Henry: passed 2d April, 1811; recorded in law book No. XII. page 490.
3405. An act granting tracts of land to Michael Sechler, Archibald McNair, and the widow and children of George Clark, deceased, soldiers of the revolutionary war: passed 2d April, 1811; recorded in law book No. XII. page 505.
3411. A supplement to the act entitled "An act authorizing the governor to contract with John Bioren, for printing a certain number of copies of the laws of this commonwealth:" passed 17th January, 1812; recorded in law book No. XII. page 532; obsolete; printed in beginning of 4th volume.
3420. An act to authorize the administrators of James Wheeler to convey a certain tract or parcel of land to the purchaser: passed 28th January, 1812; recorded in law book No. XII. page 540.
3422. An act for the relief of Miles Crowley, an old soldier of the revolutionary war: passed 28th January, 1812; recorded in law book No. XII. page 543; obsolete.
3425. An act to authorize the guardians of Phebe Wadhams and Lydia Wadhams, minors, and heirs of Moses Wadhams, late of Luzerne county, deceased, to convey certain lots of land to the purchaser: passed 3d February, 1812; recorded in law book No. XII. page 545.
3426. An act to dissolve the marriage of John Smith and Mary his wife: passed 3d February, 1812; recorded in law book No. XII. page 547.
3427. A supplement to an act, entitled "An act establishing an academy in the town of Mercer, in the county of Mercer, and to grant a sum of money thereto: passed 7th February, 1812; obsolete.
3433. An act for the relief of James Meloy: passed 7th February, 1812; obsolete.
3447. An act the relief of Robert Coleman and Cyrus Jacobs: passed 3d March, 1812; obsolete.
3455. An act granting to John Brown, in trust for the children of Nathaniel Simpson, a tract of donation land, in right of Simpson Har- ris: passed 6th March, 1812; obsolete.

A. D.

1812. CHAP. 3457. An act for the relinquishment of a state loan, in favour of the estate of the late Thomas Gallaher, deceased : passed 6th March, 1812 ; obsolete.
3467. An act for the relief of John Wilson and David Hess : passed 10th March, 1812 ; obsolete.
3468. An act granting a tract of donation land to Jacob Speider, an old soldier : passed 10th March, 1812 ; obsolete.
3473. An act for the relief of Richard Harding : passed 10th March, 1812 ; obsolete.
3475. A further supplement to an act, entitled " An act establishing the seat of government of the commonwealth of Pennsylvania, at Harrisburgh, in the county of Dauphin : " passed 10th March, 1812 ; obsolete.
3477. An act for the relief of Robert Love : passed 10th March, 1812 ; obsolete.
3489. An act granting to Thomas Campbell, two tracts of donation land : passed 20th March, 1812 ; obsolete.
3501. An act granting a donation tract of land to the heirs of Joseph Potts, a captain in the Pennsylvania line, during the revolutionary war : passed 20th March, 1812.
3505. An act to compensate Joseph Shock, for services in the late American revolution : passed 24th March, 1812 ; obsolete.
3517. An act for the relief of John Schriber, and Sebilla Schriber : passed 24th March, 1812 ; obsolete.
3518. An act for the relief of Stoffel Weigell, a wounded soldier : passed 27th March, 1812 ; obsolete.
3521. An act providing for the final settlement, and full discharge of the claim of Edmund Milne : passed 27th March, 1812 ; obsolete.
3525. An act granting to Charles Martin a tract of donation land : passed 27th March, 1812.
3526. An act for the immediate relief of Emanuel Bollinger and Valentine Weirick : passed 27th March, 1812 ; obsolete.
3528. An act granting (in trust) to Susanna Stokely, widow of captain Nehemiah Stokely, deceased, such quantity of donation land as officers of his rank were entitled to : passed 27th March, 1812.
3530. An act granting a tract of donation land to Elizabeth Williams, formerly wife of Richard Fleming, deceased : passed 30th March, 1812.
3531. An act granting relief to John Brown, a wounded soldier : passed 30th March, 1812 ; obsolete.
3532. An act for the relief of William Brown and Jacob Sheifley, old soldiers : passed 30th March, 1812 ; obsolete.
3544. An act to dissolve the marriage of James Huston and Rachael his wife : passed 30th March, 1812.
3547. An act for the relief of Jacob Kuhn, and Samuel Pullin, old soldiers : passed 31st March, 1812 ; obsolete.
3548. A supplement to an act, entitled " An act authorizing the governor to purchase from Farrand, Hopkins, Zantzinger and company, five hundred copies of Purdon's abridgment of the laws of Pennsylvania, and to provide for the distribution thereof : " passed 31st March, 1812 ; obsolete.
3549. An act to dissolve the marriage contract between Jacob Zinn, jun. and Eve his wife : passed 31st March, 1812.
3572. An act for the relief of Susanna Burras : passed 31st March, 1812 ; obsolete.
3576. An act to annul the marriage of Samuel Rose, jun. and Sarah his wife : passed 31st March, 1812.
3579. An act authorizing Robert Allison, to convey a tract of land therein mentioned : passed 31st March, 1812.
3584. An act for the relief of William Tenant, an old soldier, wounded at the storming of Stony Point : passed 31st March, 1812 ; obsolete.

CERTIFICATE, NOTES, & EXTRACTS,

BY THE

SECRETARY OF THE LAND-OFFICE.

BY a resolution of the legislature, passed the 27th day of March, 1812, the secretary of the commonwealth, secretary of the land-office, and surveyor general, are required to examine and compare all extracts which Charles Smith, esq. had taken or might take from books or papers deposited in their respective offices, and so far as they were correct, to certify the same, and add such further extracts from the land-office books and papers, and make such additional notes, as, together with the notes and extracts taken by said Smith, and inserted in the five volumes of laws, lately printed by John Bioren, will shew the whole usage of the land-office, under the proprietaries' government.

In obedience to the directions of said resolution, I have carefully examined and compared all extracts and copies taken by said Smith from Indian deeds; advertisements, proclamations, books and papers, remaining in the land-office; so far as they have a reference to the usages of said office, under the proprietaries' government, and are inserted in the volumes of said laws; and do certify as follows: viz. *The extracts taken from Indian deeds, so far as they refer to the boundaries of purchase, or relate to the usage of the land-office, are correct in substance, although not copied word for word. All extracts taken from the books in the land-office; and all copies of proclamations, advertisements, and other papers, with the exception of a few words which do not alter the import or meaning, are also correct.*

In performing that part of the duty which requires me to make out such further extracts and notes which, together with those taken and made by Mr. Smith, will shew the whole usage of the land-office, I am well aware will be attended with considerable labour, and no little responsibility, inasmuch as I shall have occasion not only to differ in opinion with Mr. Smith, but to make a number of extracts to correct and explain what I consider omissions, or errors, that he may inadvertently have fallen into.

In order to give the whole usage in a manner that it may be easily comprehended, I shall arrange certain parts under separate heads, and give extracts from the records and papers on file, and will refer to such of Mr. Smith's notes and extracts as will shew the usage on each point.

It is admitted by all that the proprietaries were lords of the soil and had a right to dispose of their lands on any terms, and subject to any conditions; and to alter them from time to time as to their unsold lands. They, at certain periods, established general terms and conditions, at the same time reserving a right of making special grants, differing in some respects from those general terms. These general terms and special grants were considered as the usage or law, on which every man's title was founded who commenced his right under them; nor were they to be deviated from unless when special permission was given by the proprietaries or their commissioners. And this was not to be considered as altering the general usage.

S. E. vol. 2, page 147, it is stated that it is "impracticable to delineate any uniform or regular system. None such existed." Although, from the first introduction of the proprietaries' government until the year 1765, the system is not so regularly to be found on record as it is after that period; yet I apprehend there can be a system traced out in issuing land titles, before 1765, excepting, as before observed, that special grants were often made which may be thought to derogate from the uniformity of a system.

Before I proceed to give the usage under the different heads, it may be proper to shew by extracts of such documents as can be found, that a system did exist at an early day. In the first place the following extracts remaining in the land-office will shew that assistant surveyors were appointed and instructed, and also commissioners of property, surveyor general, &c. with specific powers granted to them.

"William Penn, proprietary and governor of Pennsylvania greeting, to his loving friend Charles Ashcom."

Commission of 1700. "Reposing confidence in thy care and ability, I do hereby constitute and deputize surveyor, I appoint thee one of the two assistant surveyors to my surveyor general, by and with his approbation, (d. living at present) in my name and by my authority to measure, divide, and lay out such shares and proportions of land as are bought or taken up of me by

diverse adventurers, according to instructions given to my said surveyor general, bearing date the 14th day of this instant, month of October, and for so doing this shall be my sufficient warrant and commission. Given under my hand and seal, at London, in the kingdom of England, this 17th day of October, Anno Domini, 1681."

(Signed) "William Penn."

The following counterpart of instructions, (remaining in the land-office,) shew that every possible care was taken at this early day to preserve order and system.

"Edward Shippin, Griffith Owen, Thomas Story, and James Logan, to our trusty friend Isaac Taylor, greeting."

"Whereas by our commission under our hands and the seal of the province, bearing even date herewith, we have nominated and appointed the said Isaac Taylor, to be the proprietaries' surveyor of the county of Chester. Now know, that for thy better guidance and direction in the execution of the said commission, we have thought fit to enjoin the following instructions for thy observation.

1st. "Thou shalt faithfully execute every such warrant as shall be directed to thee, to the best of thy skill, knowledge, and understanding, according to the express words and order of such warrant, and no otherwise without special leave first had and obtained from us for thy so doing {Deputy surveyor's instructions.

2d. "Thou shalt not execute any warrant upon any surveyed lands, or manor, or reputed manor lands, or on any other such lands appropriated to the proprietaries' use by any former survey, unless such land be expressly mentioned in thy warrant.

3d. "Thou shalt lay out all lands as regular and nearly contiguous as the places will bear or allow of unless directed by thy warrant to the contrary.

4th. "Thou shalt make returns of every warrant, directly into the general surveyor's office at Philadelphia, with a protracted figure of the land exactly performed, and the field work annexed.

5th. "Thou shalt deliver unto no person, any draught plot, figure or field work of his land, before thy return be made into the surveyor's office, and be there allowed of.

6th. "Thou shalt not make use of any chain carriers but such as are of known honesty, and of good fame and repute among their neighbours; which chain carriers shall take a solemn attestation before some magistrate, justly and exactly to execute their trust without favour, partiality or affection.

7th. "Thou shalt not make returns of any survey but what hath actually been made by thee upon the spot, and thou shalt take care that all our lines and bounds, shall be fairly and visibly marked before thou quit the field.

8th. "For thy work done, thou may'st receive the following fees, viz. for surveying or resurveying one hundred acres of land, or a smaller quantity, ten shillings; for surveying every hundred, above the first hundred, five shillings; for resurveying every hundred, above the first hundred, six shillings and eight pence. For surveying or resurveying a town lot, six shillings.

9th. "Out of all the fees that thou receivest for surveying or resurveying of lands or lots, thou shalt pay to the commissioner's order, for the support of the general surveyor's office, for every first hundred, three shillings and four pence, for every hundred after, one shilling and eight pence.

10th. "When persons who employ thee, pay thee the fees aforesaid, thou shalt receive over and above the same, three shillings, four pence for a draught and return into the secretary's office to be paid as the above-mentioned third part of the fees.

"For the observation of which instructions, thou shalt give bond to the proprietaries, with security in two hundred pounds, and sign a counterpart of these presents, by indenture.

"Signed at Philadelphia by me the said Isaac Taylor the 28th of eleventh month, 1701."

(Signed) "Isaac Taylor."

Such instructions as the foregoing, have with very little alteration, been given to all the deputy surveyors during the proprietaries' time, and the following extract from a commission granted to Edward Shippin, Samuel Carpenter, Richard Hill, Isaac Norris, and James Logan, will shew the system pursued. This commission grants them "full power and authority by warrants under their hands, or the hands of any three of them, and my provincial seal, to grant and cause to be laid out to all persons duly applying for the same, all such vacant lands and lots of land in the said province or counties as have been heretofore legally purchased of me, or of persons duly empowered by me, or hereafter shall be so purchased or rented by any contract made, or to be made with me or my said deputies. I do also by these presents grant to my said deputies, full power and authority for me, and in my name, by instruments under their hands or the hands of any three of them, and my greater provincial seal, to grant and to confirm to all and every such person and persons, all such lands and lots of land as aforesaid, after they shall be duly laid out and surveyed according to the regulations for laying out and surveying of lands and lots in the said province and counties. To hold to such person or persons,

and their heirs, or executors and assigns, for such estate and estates, and under such rent and services to be reserved to me and my heirs, as have been, or hereafter, with my said deputies, shall respectively be agreed for. All which instruments for granting and confirming of lands and lots, tenements and hereditaments, that have been or shall be purchased or rented as aforesaid, being past under my greater seal, and entered upon record in the rolls' office of said province. I do by these presents, for me and my heirs, fully and absolutely ratify, confirm and make valid, to all intents and purposes, according to the respective tenures of the same, to be firm, unquestionable, and indefeasible titles to the respective grantees, and their heirs and assigns; and shall be good, effectual and available in the law against me, my heirs and assigns, according to the true intent and meaning of every such grant respectively. *Provided always*, that nothing contained in any such grant or instrument shall be contrary or repugnant to any written instructions which I shall at any time give to my said deputies; which instruments shall be published and upon record in the roll's office of said province," &c. This commission remains in the land-office and is dated the 9th November, 1711.

Here it may be observed that there is a general index book in the land-office which refers to a number of books that were originally in the rolls-office, but have been taken away. Some are in the recorder's office in Philadelphia; and it may be that some were taken to Newcastle as the government of Delaware state, was at one time, under the Penn family. If these books were in our power, I have no doubt a complete system would appear without much searching.

In the next place the commission of the surveyor general, recorded in book A. 1. page 4, will shew that they as well as their deputies were instructed in the particulars of their duty.

"John Penn, Thomas Penn, and Richard Penn, esquires, true and absolute proprietaries of the province of Pennsylvania, territories of Newcastle, Kent, and Sussex, on Delaware, to Benjamin Eastburn, of the county of Philadelphia, gent. greeting.

Commission } "We, reposing special trust and confidence in thy integrity, skill, care and
of survey, or } fidelity, have nominated and appointed, and do by these presents nominate,
general. } constitute and appoint thee, the said Benjamin Eastburn, to be our surveyor
general of our said province of Pennsylvania, and counties of Newcastle, Kent, and Sussex,
on Delaware. Hereby granting unto thee the said Benjamin Eastburn, the sole right and
authority by thyself or thy sufficient deputies, to be by us or either of us, approved of, to
survey all our lands and manors within the said province and counties, and to execute all
warrants and orders of survey, which shall be by us, or either of us, issued for the survey-
ing, resurveying or measuring, any tracts of land or lots whatever within the said province
and counties; and especially requiring thee, either by thyself or such deputies approved as
aforesaid, all and every such warrants and orders, duly, faithfully, and without partiality to
execute, according to the respective tenors of the same. And exact accounts thereof, with
draughts and plots of the several surveys to be made as aforesaid; as also all records, books,
maps, draughts, warrants, orders, returns, and all the several files to the said office belong-
ing, carefully and in good order to keep, and copies or duplicates of the same when regu-
larly, and according to the rules of thy office, they have been made, to deliver out as there
shall be occasion. And we further require thee that an exact account of all our surveyed
lands and manors in the said province and counties appropriated to our use, with regular
draughts thereof, thou shalt keep in thy said office, distinct from other surveys, and shalt
exactly observe all such orders and instructions relating to our lands, or to thy office in any
part thereof, as from time to time thou shalt receive from us or either of us. And we do
hereby authorize thee to demand, receive, and take into thy custody, all records, books,
maps, draughts, warrants, orders, returns, and all the several files or other matters or
things whatsoever, belonging to the office of surveyor general of our said province and
counties, to be by thee safely kept during the force of this commission; and for which thou
shalt enter into bond, in the sum of five hundred pounds, conditioned that the same and all
other records, books, maps, draughts, warrants, orders, returns, or other papers whatso-
ever, that shall any way relate to the office of surveyor general, be carefully and duly pre-
served, and be forth coming to our order, or the order of either of us, accidents by fire or
such other like casualties only excepted. Hereby granting to thee the said Benjamin
Eastburn, the said office of surveyor general, with all the fees, perquisites, emoluments,
and advantages thereunto of right belonging, or from thence arising. To hold and enjoy
the same until our, or either of our pleasures be further known therein. In testimony
whereof, we have caused the great seal of the said province to be hereunto affixed.

"Witness, Thomas Penn at Philadelphia, this 29th day of October in the seventh year of the reign of King George the second, over Great Britain, France and Ireland, defender of the faith; and the sixteenth year of our government, Annoque 1733."

(Signed) "Thomas Penn." L. S.

The same instructions appear to have been given to all the surveyor generals, and by a commission to James Logan, the 6th of April, 1745, and remaining in the land-office, it ap-

pears, that the powers of granting lands formerly given to the commissioners, was now given to him. See the following extract: "Know ye, that the said John Penn, Thomas Penn, and Richard Penn, reposing special trust and confidence in James Logan, esquire, the present president of the proprietary's council, in the said province, and in the other members of the said proprietary's council; have, and each of them hath, given and granted, and by these presents do, and each of them doth, give and grant unto the said James Logan, from and immediately after the decease of the said George Thomas, or his ceasing to act as lieutenant governor of the said province and counties, full power and authority, by warrants to be issued by the secretary, under the seal of the land-office of the said province, to grant and by patent under the great seal of the said province, confirm to any person and persons lawfully claiming under William Penn, esquire, deceased, late proprietary of the said province, or under them the said present proprietaries, any vacant land or lots within the said province and counties, or any of them, according to the terms of the original purchases of such lands or lots, and also by warrants to issue as aforesaid, to grant to any person or persons who shall apply for the same, any vacant land within the said province and counties or any of them, upon and under the same terms, methods, rents, and reservations, as has of late been used and practised in the said proprietaries' land-office but for no less price, consideration or rent in any wise, &c. And on a certificate being produced of the survey of each parcel of such lands by the surveyor general, and of the consideration money having actually been paid to the receiver general, then, but not before, to grant patents (to be prepared by the secretary of the said proprietaries for the time being) to such person and persons, for such lands from time to time, under the great seal of the said province. The same to be duly recorded in the proper office for recording deeds, in the said city of Philadelphia; which patents (when so made and recorded, but not before,) shall be deemed good, valid and effectual in law," &c.

Now from the foregoing extracts as well as other documents in the land-office, it appears that a system was pursued in granting titles, from the beginning of the government; and every officer was particularly instructed and empowered; and although the price and conditions of the lands appear to have been altered, occasionally, yet the confirmation of titles was directed to be made agreeably to the original contract.

Having said thus much as to system generally, I shall proceed to arrange the points under different heads as proposed; well knowing however, that some subjects are so interwoven, that it will be almost impossible to separate them.

TERMS OF SALE.

Where lands have been patented under the proprietary's government it cannot be of much importance to mention the terms on which the original agreement was made, as they are contained in the warrant on which the patent was granted.

It appears from a discretion given to Thomas Freame, John Kinsey, and James Hamilton, by their commission herein recited, that at that time (16th February, 1739,) they were not limited. See an extract of said commission remaining in the land-office. "To contract for the sale of, and grant, bargain, sell, let or demise (for any estates, terms or interests whatsoever,) any quantities of other lands in the said province, &c. unto any person or persons whatsoever, for the best price, and upon the best terms, rents, quit rents, and other reservations that can be got for the same," &c. Therefore we must look to the warrants for the evidence of the terms and conditions, upon which they issued at an early day. It appears, however, by the following extracts that general terms were afterwards fixed, but the precise time is not ascertained. See an extract from the instructions given to George Thomas, the 15th of November, 1746. "In our commission you are empowered to grant lands on such terms, rents and reservations, as have of late been usual in our land-office, which for your information, we now mention more particularly. In Pennsylvania no lands are to be granted for a less consideration than fifteen pounds ten shillings, currency, for each hundred acres, and after that rate for a greater or lesser quantity, with an exception of three fifth parts of all royal mines, and one fifth part of all other mines, and the yearly rent not to be less than one half penny sterling for each acre," &c. The same instructions were given to Robert Hunter Morris, on the 6th of April, 1754; which instructions shew that fifteen pounds ten shillings per hundred acres, was the common terms from a certain time, (not very accurately ascertained,) until 1765, when it was altered so far as respected unimproved lands, after which time a more regular minute appears to have been kept. The terms of purchase were occasionally changed, yet in those changes a system was still preserved, and it appears that no change was ever intended to injure the proprietaries in a pecuniary way, because when the price was lowered, the quit rent was raised, so as to be of equal advantage. See the following extract from a commission granted to James Hamilton, 20th July, 1759, and remaining in the land-office: "And also by warrants (to be issued as aforesaid,) to grant to any person or persons who shall apply for the same, and to their heirs and as- signs forever, any vacant lands within the same province and counties, or

any of them, upon, by, and under the same terms, methods, rents and reservations, as have of late been used and practised in the said land-office. Or in case the persons applying shall so desire, then for a consideration less than usual; and a yearly rent larger in proportion, so as to make the whole purchase money and yearly rent of equal benefit and advantage to us, as the common and usual terms would have been," &c. Fifteen pounds ten shillings however continued to be the common terms, until September, 1762, and until the conclusion of the proprietaries' government, for lands improved before that time. Notwithstanding certain terms were fixed as general, yet the proprietaries always exercised the right of making special agreements. In some cases they granted larger quantities than the usual terms allowed of, and sometimes for a yearly rent, or extraordinary quit-rent.

After general terms had been fixed, and before September, 1762, (as before observed,) the common terms were fifteen pounds ten shillings per hundred acres, &c., interest and quit-rent to commence six months after the date of the warrant, unless the land had been previously improved, in which case the interest, &c. commenced from the first improvement. If the time of the improvement was not ascertained when the warrant was granted, it was to be done before the patent issued. Or if the land applied for, joined the applicant's settled plantation, then the terms were to be at the same rate.

From September, 1762, or about that time, until August, 1763, the terms were nine pounds currency, and one penny sterling, quit-rent: interest from six months after date unless otherwise stated in the warrant.

From 1763 till August, 1765, the common terms appear to have been again altered to fifteen pounds ten shillings, &c.

On the 5th of August, 1765, the application system was introduced, and the price fixed at five pounds sterling, for one hundred acres of vacant and unimproved lands, generally. Interest, &c. to commence six months after the date of the warrant or application respectively, and the quit-rent in such case was raised to one penny sterling per acre, but where the lands had been improved before said time, whether taken up by warrant or application, the terms were fifteen pounds ten shillings per hundred acres, and interest to commence from the time of said improvement; and these terms continued until the proprietary government ceased; and all settlements for lands since the proprietaries' time, are settled accordingly; except some few special grants.

Quit-rents have been done away by the divesting law, and all claims under the proprietaries, or their officers, were confirmed. "According to such estate or estates, rights or interests, and under such limitations and uses, as in and by the several and respective grants and conveyances thereof, are directed and appointed." There were also certain conditions annexed to all warrants and applications, which if not complied with, rendered them void. But where the party had exercised acts of ownership so as to give him some equitable claim, or if the party applied for a confirmation before another person applied for the same land, the forfeiture was waived by the proprietaries; and the legislature, by the act of the 9th of April, 1781, have directed patents to issue to all who are entitled, either in law or equity, under the proprietaries, or their officers, on condition that they pay the purchase money, interest and fees, before a certain time; which is now limited to the 1st of January, 1815.

Thus doing away the quit-rent, however, has not done equal justice to those holding under their respective purchasers from the proprietaries, because when the terms were altered from fifteen pounds ten shillings per hundred, and a half penny sterling per acre, quit-rent, to five pounds sterling, and a penny sterling per acre, quit-rent, it was not intended to make any real difference in the price. Five pounds sterling, and one penny, an acre, at the rate of exchange, was considered equal to fifteen pounds ten shillings, and a half penny, per acre, as appears from the commission of James Hamilton. This was a circumstance I presume the legislature never thought of, and it is now too late to remedy the evil; but certain it is, it has made a distinction between the two sets of purchasers, which could not be originally intended, and has injured the treasury to a very great amount.

OF WARRANTS.

Warrants were granted of different kinds and on various conditions. The common warrant was called a warrant of survey, which directed the surveyor general to survey, or cause to be surveyed, the land described in the warrant, if not previously appropriated, &c. Before the year 1765, there was only a part of the purchase money paid at the time the warrant issued; and many issued without any thing being paid. After the year 1765, (when the application system was introduced,) few warrants issued, except for improved lands, until some time in 1771, or 1772, and then the whole purchase money was paid at the issuing of the warrants; except in a very few cases.

Another warrant was called a warrant of resurvey. This was generally granted in cases of dividing larger tracts amongst two or more persons, or when a person wished to make an alteration in his original survey, and take in more vacant land, &c.

Another one was called a warrant to agree. These were generally issued where some

circumstance of advantage or disadvantage might make it necessary to vary from the common terms. It is found, however, that most of the settlements made on these warrants have been on the common terms of other lands taken up at the same time.

Another kind was called a special warrant. These were issued for the same lands, for which warrants had been previously granted, and on which surveys had been sometimes made, but which by common usage, or non-compliance with the terms, had become forfeited, or vacated. There are hundreds of this kind of warrants granted, and the entry made as follows: Warrant Book S, page 469; "David Hastings.—April 10th, 1751. In Fallowfield township, surveyed to Thomas George, by warrant 25th September, 1714; which is forfeited, &c. Chester county three hundred and seven acres—special warrant." The warrant corresponds with the entry, and is filed in the surveyor general's office.

Relocating warrants were also issued, which were also called special. The only difference between these and warrants granted for forfeited lands, or warrants were, that the first was granted to second purchasers, and for the same land that had been forfeited by the non-fulfilment of the conditions by the first. Whereas the relocating warrant was granted to the same person or his assignee, in cases where the land mentioned in the first warrant, had been previously appropriated by a prior right to some other person.

The entry in the warrant book in such case is as follows: Warrant Book T, page 567: "William Cox, esquire, assignee of Joseph Higby,—one hundred and fifty acres on the north side of Juniata, lying between Crawford's Neck and the foot of the big stony precipice; to begin nigh where the trader's path goes down the hill, and running down to the river, and thence up the river, in lieu of that quantity granted said Higby, by warrant of 31st May, 1762, which could not be had, there being a prior warrant." This warrant is dated the 12th of December, 1765. This kind is also numerous, and when the land mentioned in a warrant had been previously appropriated. The deputy surveyor certified (and frequently on the back of the copy of the last warrant) as follows: "I do certify, that the within warrant is for the same land which is taken up by John Backhouse by warrant of a prior date to this."

(Signed) "Thomas Smith, D. S."

And when a warrant thus certified was returned, it was the practice either to grant a new relocating warrant, or refund the money which had been paid on the original warrant.

Relocation warrants were also granted for the same land intended to be taken, but where the first warrant did not well describe the land; and in such cases the warrantee made an assignment (and frequently on the back of the warrant or a copy of it,) as follows: "In consideration of a new warrant this day granted me for the within land better described than the within, I hereby deliver up this to be cancelled."

(Signed) "Dominick Bradley."

There was also orders called "location orders," issued in lieu of unfortunate warrants which were as follows: Old Warrant Book, 1766, August 10th, "William Cox, esquire," "Location order for three hundred acres of land (in lieu of that quantity in Paxtang township, L. county, granted by warrant of the 18th February last, which was surveyed by prior warrants and patents to other persons as appears by certificate of the D. S.) in Warrior's Valley, joining on the south east end of the Proprietary Tract at the foot of Tussey's mountain, including two springs breaking through the Warrior's Ridge, Cumberland county."

It was the general practice in cases where the land mentioned in a warrant had been taken by a prior warrant or order to refund the money or grant a relocating warrant in lieu of it. And there are instances where the land had been previously settled that the money has been refunded.

The entries for refunding money paid for lost warrants, are very numerous, and stand as follows; Day Book 14, page 255. "Robert Ramsey Dr. to cash, twelve pounds three shillings and six pence, currency, repaid him the money he paid the 31st January, 1775, he having released to the proprietaries, his warrant of that date, the land therein described being found not vacant."

In page 267 the same kind of entries is made in favour of Daniel Williams, Edward Williams, Stephen Paschall, William Gray, and William Watson.

The proprietaries appear to have in all cases kept justice in view, for although they did in hundreds of cases, exercise the right of exacting forfeitures, and regranting land to second purchasers; yet I believe there is no instance where they did not admit the first purchaser to sell his claim to the second, and carried the credit of money paid by the first (if any had been paid) to the second, or refunded the money.

The proprietaries appear to have been aware of the evils which were likely to ensue, from surveying land not called for by the warrants, and therefore took every precaution to prevent it. The commission of the surveyor general and instructions to the deputies forbid it expressly, and the refunding of money and granting relocating warrants, shew their particular care to guard against it: and where disputes have arisen on this ground the descriptive right was always preferred.

Many warrants have issued to two or more persons, without expressing whether it was

intended as a joint tenancy, or a tenancy in common. Patents have issued to parties thus circumstanced, in different ways. In some cases it is stated that the parties, are each to hold a moiety; in others that they are to hold as tenants in common. A question then arises, whether it is to be considered a joint tenancy, or a tenancy in common, where the parties have not expressed their intentions. It is however a well known fact, that generally, where persons have taken warrants or purchased lands in this way, in not one case in ten was it intended as a joint tenancy, nor do the survivors think of disputing with the heirs of the deceased, but generally divide the land. This then being the usage, should it not be the law (unless where otherwise expressed,) in cases which occurred before the passing of the law on that subject?

APPLICATIONS.

We have no particular reason given for changing the mode of granting titles, from that of warrants to applications; excepting what is given in the proclamation of the 17th of June, 1765. Before the change, it had been the practice to receive a part of the consideration at the issuing of the warrant, (this was not however always done,) and in case of forfeiture, or in case the land had been previously appropriated, according to custom, the money was to be refunded, transferred, or a new warrant granted: this was attended with much trouble in settling the accounts; but by the application system, the land was to be surveyed before any part of the purchase money was received, of course but one calculation and one account had to be made and kept. This greatly facilitated the transacting the business of the offices. And if the terms were not complied with, and the proprietaries chose to regrant the land, to a second applicant, there was no transferring of credits or refunding of money. Warrants granted for unimproved or vacant lands, after the application system ceased in 1769, were paid for in full; although the terms were the same as if taken up by application.

On the 10th of August, 1765, the first agreement took place, to change the terms and mode of selling lands. (See S. E. vol. 2, page 162.) On the first of August, 1765, a regular minute is commenced, which has been regularly kept during the proprietary government; and ever since. These minutes shew, not only a strict adherence since that time, to the system, as to all the important points, but also shew, in a certain degree, the system pursued before that time.

The book begins as follows: "His honour the governor, and the agents of the honourable proprietaries, having agreed for the better management of their affairs and despatch of business, to meet regularly at stated times; (viz.) on the first and third Thursdays in every month; they accordingly met at the governor's, on Thursday the 1st of August, 1765."

It would appear that before this time, there had not been a very regular minute of the transactions kept in the land department; and as things had got into some confusion, owing to deputy surveyors, and other agents, having connived at the evasion of some of the established rules, it was therefore determined to prevent certain irregularities in future.

On the 17th of June, 1765, previous to the above mentioned meeting, the proclamation (before mentioned,) was published in order that every person wishing to take up lands on the new terms, might know the terms and conditions he must comply with in order to obtain his title. Which proclamation see at large, S. E. vol. 2, pages 160-1-2. Some alteration had become absolutely necessary, as the deputy surveyors, and other agents, had taken liberties that were likely to be not only injurious to the proprietaries' interest, but tending to invite litigation amongst the citizens; a thing always scrupulously guarded against by the proprietaries. Deputy surveyors were furnished with special instructions similar to those hereinbefore given, and put under bonds, for the faithful performance of their duties; and every step was taken, necessary to prevent the evils which had before occurred.

This application system began in 1765, and ended in 1769; for it appears that few entries of applications are made after that period, and those few are relocations.

The condition of applications were, that if the applicant failed to comply with the terms set forth in the proclamation, the proprietaries were to be at liberty to grant the land to any other person. (See the proclamation.) Nor could the applicant have any good plea after having failed on his part, because no money having been paid, any contract which might have existed, of course was void. *Blackstone*, vol. 2, page 308, says, a deed is void without consideration; and page 447, that it was no sale, (even of goods,) without payment, unless the contrary is expressly agreed. And 4 *Dallas*, page 335, "a bargain and sale is of no validity where no money has been paid." No money was paid in case of applications, and of course if the applier failed, the proprietaries were not longer bound. Nor could the applicant have any plea in equity after a non-compliance unless in the mean time he had taken possession of, or exercised acts of ownership on the land. Which cases the proprietaries always considered as evidence of the applicant's intention to accept the land on the terms, and generally gave them a preference. And the legislature, since the revolution, by the act of the 9th of April, 1781, have waived all right of regranteeing lands thus circumstanced, by directing patents in such cases to issue on certain conditions.

When the application system was introduced, it was known that many persons were settled on land for which no office right had been given. It was intended that these settlers should hold the land, but not on the new terms. They were to procure certificates of their improvements, and pay for the land on the old terms, as appears by the minute of the 10th of August, 1765, S. E. vol. 2, page 161. When these certificates were not produced, at the time of applying for improved lands, it was to be entered as an application, survey to be made and warrant to issue afterwards (S. E. vol. 2, page 162.)

Agreeably to said minute, a number of entries are made in East Side application book, on the 7th of September, 1765, with the following note preceding them: "Note. The following applications were taken in and filed by the secretary on the respective days they bear date, as for improvements made before the commencement of the new terms, and the entry of them postponed to give them an opportunity to produce authentic certificates of their being regular improvements, made before the new terms, which they not having as yet produced, no warrants are granted for them; but they are now entered as common applications." Many of the tracts of land for which these applications were entered, have since been patented, and the settlements uniformly made on the old terms, and a warrant issued to accept the survey, as on other applications.

On the 25th of January, 1769, after the purchase of 1768 had been made from the Indians, a meeting took place by the governor and commissioners of property, to consult on the mode to be adopted for selling lands in the new purchase; and finally, the application plan was fixed on (See S. E. vol. 2, page 168.) Some change had been contemplated in the plan, but no material alteration took place, excepting as to the lands allowed to the Pennsylvania troops; which see hereafter.

At another meeting, on the 23d of February, 1769, (Minute Book 1, page 166,) it was agreed that the office should be opened on the 3d of April next, thereafter; and in order to give the "back inhabitants, &c. sufficient time to bring in their applications," it was directed that "the secretary immediately give notice of the opening the office on that day by separate advertisements, to be distributed as soon as may be, and by inserting them in the next week's papers." The advertisement was published; which see in S. E. vol. 2, page 168. The conditions in this advertisement are nearly the same of those in the first proclamation; but as it was known that several persons would be likely to apply on the first day, and in some cases that two or more would apply for the same spot of land, it was determined, in order to decide who should have a preference in such cases, that a lottery was the fairest mode, which was accordingly adopted. (See the preamble to Lottery Application Book. S. E. vol. 2, page 169.)

There were drawn in this lottery, 2782 applications, which after being drawn out of a box, one by one, were numbered from one to 2782 in due succession. And after the lottery was drawn all applications for land in the new purchase were entered, and the numbers continued in due order. There is also entered in this book applications of the military officers, as well as forty-six others, specially allowed of, on account of previous settlements, and excepted, or not included in the lottery.

A number of these applications, drawn in the lottery, were of course blanks; for after drawing it was found, according to expectation, that several persons had applied for the same land, some nearly in the same words, and some in different language, but describing the same land. See Lottery Application Book, page 71. "No. 651, Philip Harding three hundred acres on Chilisquaque Creek, about three miles from the mouth, in the Forks of Susquehanna;" and page 126, "No. 1368, James Foulks three hundred acres on Chilisquaque creek, about three miles from the mouth of said creek;" and page 68, "No. 601, Mary Reese three hundred acres on Chilisquaque creek, about two miles and a half above colonel Francis's land." The survey was made on the land described, and returned for Mary Reese, but was contended by Seth McCormick on his application, No. 450, and the land adjudged to him. Minute Book 2, page 40. It was also claimed by Richard Irwin, by No. 1787, and by another in the name of John Smith, No. 706.

It appears too, that wilful frauds were committed, by the same person putting into said lottery two or three sets of applications for the same land, thereby defeating the very intentions of the lottery. On account of which fraud, when it was discovered, the proprietaries gave the land to settlers whose numbers were highest. (See Minute Book 1, pages 241-2.) "The board, taking the matter of the Chilisquaque lands, heretofore laid before them by William Scull, into consideration, find that the owners of the locations opposed to those of the settlers; George Irwin, Francis Irwin, James Morrow, William Johnston, and Robert Fowler, though earlier in their numbers than those of the settlers above named, had put into the lottery three sets of locations for the same places, and therefore had unequal, and therefore unfair advantage over the others; and the board are therefore of opinion, and the governor orders, that the settlers above named, though later in their numbers, shall have the preference against them, and that the surveys be returned for those settlers above named, &c."

It is a maxim that fraud vitiates every contract, and the proprietaries appear to have strictly adhered to it, throughout all their transactions, in the land department.

The rule however was, that where no fraud appeared, the earliest number for the same land took the prize, and all the rest were blanks, as in other lotteries. See the case of *Seth M'Cormick v. Mary Reese*, before referred to, in *Minute Book 2*, page 40. "The board took into consideration the pretensions of Seth M'Cormick, Mary Reese, and Richard Irwin, to a tract of land on Chulisque creek, and it appearing to them that their several applications were for the same place; that Seth M'Cormick's is the earliest: it is ordered by the governor, that he have an acceptance of the survey, and a patent." See also *Minute Book 1*, page 238. "Robert Con v. George Leadly, and others. On hearing, it appears that Robert Con's application is prior to Leadly's, and that it is for the same land which has been surveyed for Leadly; therefore it is determined, that the land be surveyed and returned for Robert Con." The cases on record are numerous which shew this to be the practice; and none to the contrary, except in cases of fraud, or where an innocent person had made improvements on the land, and there had been a neglect on the part of the applicant in fulfilling the conditions annexed to his application.

The proclamation of the 17th of June, 1765, directs the manner of entering an application, (*S. E. vol. 2*, page 161,) and sending a copy to the surveyor general, who, after entering the same in a book, was to direct a copy thereof to the deputy surveyor of the district, where the land was situated, who was to survey the land mentioned in the application, (not any other land) and make return thereof to the surveyor general.

The following is the form: "No. 3211, William Moore hath made application for thirty acres of land, adjoining his other land, James Robison, John M'Dowel, and William Mitchell, in Drumoie township, Lancaster county, dated at Philadelphia, this 12th day of April, 1768." *Order to deputy surveyor to execute an application.* } "To Joseph Scull, deputy surveyor: You are to survey the land mentioned in this application, and make return thereof into the surveyor general's office, within six months from the above date; and hereof fail not."

(Signed) "John Lukens, surveyor general."

After a survey had been returned to the surveyor general's office, there it was filed until the party applied for his patent, when, if the proprietaries or their commissioners of property were satisfied that all was regular, and the proprietaries' demand satisfied, a warrant was issued, directing the surveyor general to accept the survey into his office, (for it would appear that it was not officially in his office before) and make return thereof into the secretary's office. The following is the form of a warrant of acceptance:

Warrant of acceptance. } "By the proprietaries, Pennsylvania, ss. Whereas, by an application, No. 3328, of John King, the 12th day of June, 1767, an order was issued for surveying to him three hundred acres of land, between Fishing creek and the east branch of Susquehanna; and between two and three miles from said river, in the east end of a valley, in Northampton county. And whereas, by our surveyor general's certificate, it appears, that in pursuance of said order, a survey hath since been made of a tract of two hundred and ninety-six acres, and ninety-three perches of land, agreeably to said application and order of survey. And whereas the said John King hath paid the full consideration money for the same at the rate of five pounds sterling per hundred acres, as appears by our receiver general's receipt, now produced, and agrees to pay to our use, the yearly quit-rent of one penny sterling for every acre thereof forever.

"These are therefore to authorize and require you to accept into your office, the said survey of two hundred and ninety-six acres and ninety-three perches of land, and make return thereof into our secretary's office for confirmation to the said John King, on the terms aforesaid; and for so doing this shall be your sufficient warrant.

"Given under my hand, and the seal of the land office, by virtue of certain powers from the said proprietaries at Philadelphia, this 5th day of February, 1770." "To John Lukens, surveyor general."

(Signed) "John Penn."

After a warrant issued to the surveyor general, he made a return thereon in form following: *Return of survey.* } "Whereas, in pursuance of an application, No. 164, dated the 3d day of April, 1769, I have caused to be surveyed on the 26th of June, 1769, for John Magrath, a certain tract of land called Black Hole, situate on the south side of the west branch of Susquehanna river, formerly in Berks county, now Northumberland county. Now in pursuance of a warrant dated the 16th day of August, 1774, requiring me to accept the said survey into my office, and to make return thereof into the secretary's office, in order for confirmation by patent to Dr. William Plunket, (in whom the said Magrath's right is now vested.) I do certify, that said land is bounded as follows: viz. Beginning," &c. (giving the courses and distances, and bringing it to be.) "Returned into the secretary's office the 17th day of August, 1774."

(Signed) "John Lukens, S. G."

After the return was thus made, a patent issued in common form to the party, which was a confirmation of the title.

At the opening of the office in 1769, special grants were made to the provincial troops, and although it was called a special grant, yet it was made subject to a settlement on each three hundred acres." (See extract from *Minute Book 1*, page 163.) "To be divided amongst

them in district surveys, on the waters of the west branch of Susquehanna, to be seated with a family for each three hundred acres, within two years from the time of surveying, paying five pounds sterling per hundred, &c. The whole paid for before patents issue for any parts. Surveys to be made and returned in nine months, and settlements made, and money paid in fifteen months after return made, &c. If all cannot pay for their parts in time, patents to issue for the whole to such as will pay the whole money, still seating as above." There is two grants to the officers, one for twenty-four thousand acres, and another for fifty thousand acres, to other officers; but all subject to the same conditions. This appears to be the only change or material alteration made from the common rule in granting land on applications, and has no bearing on the common usage, it being a special grant; but it may serve to shew that no title was considered as having vested until the money was paid, and that the application and survey alone give no right. It may also give some force to settlement rights.

It is stated in S. E. vol. 2, page 160, that "warrants on which money had been usually paid, gave way to applications on which no money was paid." I have searched diligently for the evidence of this, but cannot find it on record or file, unless it be in cases where a survey was made, on a warrant including land not called for by the warrant, and where the application did call for the land, or where the warrant was later in date than the application, or where the person claiming by the later application had settled on the land before the date of a warrant, or where some equitable circumstances was in favour of the person holding by the application; and something fraudulent had been practised on the part of the warrantee.

After the drawing of the lottery on the 3d of April, 1769, a practice was introduced by the management of interested persons, and connivance of the surveyor general and his deputies, expressly against the directions given to the surveyor general in his commission, and the instructions given to the deputies; (which see in the foregoing pages.) That was, making surveys in favour of the locations that were drawn as blanks in the lottery, and not calling for the land surveyed. That the surveyor general should not have examined surveys thus made contrary to the very commission he acted under, may seem strange, but the surveyor general received at this time one third of the surveying fees, and a fee for filing each return, and of course was interested in filing every return that was offered. (See the instructions to the deputies, S. E. vol. 2, page 163.) It is no less extraordinary than true, that surveys were made in favour of these blanks including land, for which a descriptive location was held by another person, but on which a survey perhaps had not been made; sometimes owing to the poverty of the settler who owned the descriptive location, and sometimes owing to the assistant surveyors wishing to serve the person having the lost location. We do not find, however, that the proprietaries, or their commissioners of property, sanctioned this practice, for in all cases of controversy (and there appears to have been many on this point,) the utmost attention was paid to the descriptive application or warrant.

In order to know what was the practice, and to know how far the governor and commissioners adhered to the rules laid down in the advertisement, proclamation, and other records, it will be necessary to have recourse to various decisions in cases of dispute, which from time to time may have arisen; and from the following it will appear how little force was given to an un-descriptive warrant or location, or a survey made in favour of them, when opposed to a descriptive one, even without a survey.

Minute Book 1, page 122. James and Henry Westley v. George Churchman. "Upon hearing it appeared, that George Churchman's survey is made upon a warrant much prior to Westley's application, and that it is made agreeably to its location, therefore the governor orders it to be confirmed, and the caveat to be dismissed." Book 1, page 136; George Smith v. George Shrader. "On hearing, it appears that George Shrader hath an application, No. 1727, for one hundred acres, purchased of Andrew Graft, and application, No. 1538, both which are older than Smith's application or improvement; therefore the governor orders that they shall both be surveyed for Shrader; but orders also that they be executed strictly agreeable to their locations, and not execute either of them on lands not within the descriptions of said locations." Book 1, page 155. Leonard Kerstiter v. Jacob Seagrist. "It appeared on hearing, that Kerstiter claims under an application of Valentine Wolf, which is prior to Jacob Seagrist's, but according to Mr. McClay's information, Wolf's application is located in a different place from Seagrist's, and therefore the board are of opinion that the caveat be dismissed." Book 1, page 174. John Hershey v. Jasper Scull. "On hearing, it appeared that Jasper Scull has the prior location, and Hershey the prior survey; but that Scull's survey is not agreeable to his location, and Hershey's is; therefore I am of opinion, that Hershey's survey be returned and accepted." Book 1, page 204. Benjamin Dean, assignee of Frazier v. Thomas Lemmon, claiming under Jacob and John Carpenter. "On hearing, it appears that the Carpenters had applications prior to that of Frazier's, but the board, upon maturely considering the said applications, are of opinion that the locations were not intended to affect the place of Frazier's location; and therefore the governor orders the land in dispute to be returned for Dean; and that the return be accepted; and that the surveys returned into the surveyor general's office, for the said Carpenter be rejected."

Book 2, page 17. Thomas Johnston for Martha Johnston his wife v. Paul Dewit. "Judgment that the land shall be surveyed and returned for Martha Johnston, in regard it appears

that Paul Dewit's location was for another place." Book 2, page 82. Mary Williams, executrix of David Williams, v. Daniel Poalk. "Upon hearing it appears, that Daniel Poalk has included the land in dispute in a resurvey of his land thereabout, and it has likewise been surveyed to Daniel Williams under an old warrant, issued in the year 1749, and a new copy lately taken out; but it also appears that the warrant was for a place several miles distant from the place of the survey, and therefore was made without a proper authority. The caveat is the fore dismissed, and Daniel Poalk's resurvey confirmed, &c."

The cases on record are numerous, shewing the usage on this point, which, together with the order on the application by the surveyor general to his deputy, the instructions to the surveyor general in his commission, the instructions to the deputy surveyors, the warrant of acceptance and return of survey by him to the secretary's office, with other extracts, are conclusive, that making surveys on ground not called for in the warrant or application, was not approved of, nor was it any part of the usage of the land-office, agreeably to the proprietary regulations. The thing would truly be absurd, to say, that a warrant or order calling for land in one place would give authority to survey land in another place, even if the instructions to the surveyor general and his deputies had not expressly forbid it. As well might we say that a warrant or writ to take A, would authorize the officer to apprehend B, in case A could not be found. A survey made contrary to the order and special instructions of the surveyor general would be a fraud on the person who had a descriptive right. Addison, in his reports, page 303, very justly observes, that "an officer acting without authority is but an individual." And also asks in page 130, "Can an office-copy of a survey be given in evidence without first producing the warrant on which it was made?" Indeed there could be no necessity under the proprietary government, to make surveys on lost locations or lost warrants, because in case of warrants, new and descriptive warrants were always granted, or the money refunded; and in case of locations, the entering a location would only cost three shillings and six pence to the secretary's office, and a like sum to the surveyor general's, as a fee for making the entries, and if the party failed in getting the land, he only lost this sum. Some too were allowed in case of losing the land first applied for, to enter another in lieu. See Lottery Application Book, page 329. One to John Ewing, and one to Patrick Conon, and page 330, one to John Jennings.

It is stated in S. E. vol 2, page 147, that "the proprietaries appear to have recognized the acts of their officers, and agents however irregular with respect to the lands within the purchases."

There certainly is nothing on record that shews the proprietaries to have countenanced any intentional irregularity committed by their officers, nor was any innocent person ever allowed to be injured thereby. It is an unjust reflection on the proprietaries not warranted by any thing on record in the office. And so far were they from suffering or countenancing such things, that in the proclamation of the 17th of June, 1765, S. E. vol. 2, page 161, it is declared, that "if any deputy surveyor shall be guilty of neglect or breach of duty in the premises, he, upon complaint and due proof made to the commissioners of property, or surveyor general, shall be superseded from his office, &c.;" and every officer, from the highest to the lowest, was instructed in his duty and put under bonds for the faithful performance thereof.

It is true, however, that since the proprietaries' government ceased it is found that many irregularities had been committed, as well by the connivance of some of the agents, as of the deputy surveyors, and against their express directions. This has been and still is the cause of much litigation. But that ever a deviation was made from what was considered the common rules, does no where appear, except in some special cases where justice required it, and then it was considered as correcting some mistake not intentionally committed; and where they were satisfied that no fraud was intended, and where it did not affect any person who had fairly complied with the established rules. It was in such case nothing more than the exercise of a discretion completely vested in them as proprietaries, and altogether consistent with the rules of the office; for by the general rules this discretion was reserved.

In S. E. vol. 2, page 153, the case of doctor Smith v. Charles Cox, is introduced to shew that the warrant to Barnaby Barnes, under whom doctor Smith claimed, was irregular, and yet had a preference given to it, against one regularly issued to Samuel Purviance.

The irregularity of this warrant of Barnes was, that it was unsigned by the governor, and that no money had been paid for it. As to the non-payment of the money, it could be no objection, because it was the common practice, about the time this warrant issued, to grant them without money being previously paid. And as to its not being signed, it was a neglect of the officer, which the party had no control over; and similar neglects had also been common by the same officer about this time.

The proprietaries, however, considered it as no fault on the part of the warrantee, and therefore ought not to prejudice his claim, if he had on his part complied with the conditions of the warrant.

The warrant of Barnaby Barnes, dated the 8th of March, 1755, and that of Samuel Purviance's, the 25th of October, 1765, is for three hundred and fifty acres, and ten pounds thirteen shillings paid on it, towards the purchase money.

The decision of the board of property was on the 19th of March, 1768; at which time neither of the parties had complied with the conditions of their warrants. The condition of both warrants were, that unless the terms mentioned in said warrants were fulfilled within six months after their respective dates, they were void. Both were void at the time of trial, and according to the usage of the office, the proprietaries were at perfect liberty to give a preference to which they pleased. The warrant of Barnaby Barnes was considered the first appropriation, had the terms been complied with; and in that respect they were on an equality. By giving the land to doctor Smith, in right of Barnes's warrant, the proprietaries would not only receive a larger sum per hundred acres, but would also receive ten years interest on that larger sum, because the terms of the one was fifteen pounds ten shilling per hundred, and the other five pounds sterling, and interest from six months after the date of each. Nor would Mr. Cox, according to the rules of the office, be much injured, as he might have his money refunded, or obtain a new warrant for his credit. But had Charles Cox obtained his survey, and came forward within the limited time, and demanded his patent, the proprietaries could not, agreeably to their rules, have refused a confirmation, unless a fraud had been practised on them by the applicant.

OF SURVEYS AND RESURVEYS.

A survey was to be made, as a matter of course, on every warrant or application, excepting locations which were unfortunate in the lottery of 1769, or warrants and locations that were taken for land which had been previously appropriated to some other person's use.

After the survey was made by the deputy, it was to be returned to the surveyor general's office, where it was filed; but this survey gave no more nor better right to the land than the warrant or order on which it was made. It was however a necessary step or link in the chain towards completing the title. It fixed the precise bounds of the claim, and enabled the receiver general to calculate the exact sum due to the proprietaries, and enabled them to identify the land in the patent.

It is stated in S. E. vol. 2, page 147, "that a practice was very common of permitting surveys to be made without any warrant or order, either by connivance of the officers, or consent of the proprietaries, expressed in a manner not of record." That surveys were at one time allowed to be made for actual settlers who had no warrants or orders, is evident, and that too with the consent of the proprietaries; although no record can now be found, of public instructions to that effect. It may be that a record of it did at one time exist, and is not now to be found, as I have already observed that a number of record books appear to have been in the rolls office at one time, which are not there now. Records are however found, sufficient to shew, that it was allowed of, and the reason is plain. The proprietaries encouraged settlers, and generally gave them a preference where it could be done consistent with their rules of the land-office, as I shall hereafter shew. It was therefore necessary to designate the claim of an actual settler when he was permitted to take possession of a spot of land, in order that his bounds might be publicly known, so that another person, wishing to settle or take a right for the adjoining land, might do it safely without interfering with his neighbour's claim; and it would have been a happy circumstance if settlers ever since had been obliged to mark their claim, on their taking possession of vacant land. It would have saved much litigation.

That surveys were allowed of in this way, with an intention of taking a warrant afterwards, appears by the following decision of the board of property. Minute Book 1, page 263. Garlack v. Foust. "James Scull having made return on this dispute agreeable to the order of the 28th day of January last, it appears thereby that the survey against which Garlack caveated, does not interfere with his survey made on his warrant of the 20th of November, 1771; but that the fifty-three acres of land surveyed for Garlack under that warrant, was surveyed in the year 1748, for Philip Foust, father of the said Henry, as appears by the field notes of Edward Scull, and that there was cleared on this land by Philip Foust, in his lifetime, about three acres of meadow, and thirteen acres of plough land; and by Henry Foust, about seven acres of plough land; but it does not appear that Philip Foust had any warrant for that land, and upon the whole, considering that there have been such considerable improvements made on the land, by said Fousts father and son, and they have so long possessed it, and that it was not very uncommon about the time that the survey was made, for Philip Foust, for the surveyors to make surveys in expectation of warrants to be afterwards taken out, which have sometimes been omitted. The board are of opinion, that Garlack's money, paid on his warrant to the proprietaries, should be returned to him; and that Foust shall have a warrant to accept the survey for his father, in the year 1748, paying to Garlack his expenses of survey."

It may be considered by some, as not immediately connected with my duty to notice the decision of courts touching titles derived from the proprietaries, but as these decisions are given by Mr. Smith, as being connected with, and founded on, the usages of the land-office; and as the usage of said office, as found on record, are the only law to regulate titles thus derived; and also as these titles have, by the divesting act, been "ratified and established forever, according to such estate or estates, rights or interests, and under such limitations

and uses, as in and by the several and respective grants and conveyances thereof are directed and appointed."

It may not be amiss to notice a few decisions in order more fully to explain said usages, and the more so as the courts have always gone on the supposition that their decisions are founded on the usages of the land-office.

The principal disputes which have arisen respecting land titles derived from the proprietaries, are in consequence of surveys having been made on lost warrants and locations, and interfering surveys. Amongst the first decisions on the subject of lost locations, it was held by Judge McKean, (S. E. vol. 2, page 189,) that "the bare act of the deputy surveyor alone, could not give a title by surveying lands on a spot not called for by the order," and that "until a warrant of acceptance issued, no right vested in the party on a shifted location." This was certainly consistent with the usages of the land office, even if the opinion had extended to a survey made on a descriptive location, after the party had failed to comply with the conditions of said location, or had not taken possession of the land. Judge Yeates, however, was of opinion, that "the return of such a survey fairly and duly made, is *prima facie* evidence of its acceptance by the proper authority," and that "the interest vests from the time of survey;" and this, I believe, is the doctrine adhered to by the courts, notwithstanding every thing on record is against it. Hence it is evident, that the courts have not had recourse to the records for evidence to direct their decisions, otherwise they would have adhered to the opinion of Judge McKean.

It is a common opinion, that the survey returned to the surveyor general by his deputy, is (by the usage of the land-office,) what is termed a return, and that the surveyor general's having accepted it from his deputy and filed it in his office, is an acceptance under the proprietary regulations. Let us examine the records and see how they correspond with this opinion.

In case of warrants, they are directed to the surveyor general in the following terms: (after describing the land, &c.) "These are therefore to authorize and require thee to survey, or cause to be surveyed, unto the said John Loughry, according to the method of townships, &c. the said two hundred acres of land, and make return thereof into our secretary's office in order for confirmation, &c." This appears to be the directions given in all warrants of survey or resurvey, and shews clearly what is considered a return; that is, a final return for confirmation; which was only made when the proprietaries or their commissioners were satisfied that the conditions of the warrant was fulfilled. The surveyor general, as well as his deputies, were subordinate officers, under the direction and control of the proprietaries, and their commissioners of property. They had neither of them any power to confirm or grant a title, as had the proprietaries and commissioners of property; nor had they any discretion to do a single act but what was specifically given them by the commission, and instructions; and so far are they from having discretionary powers, that the deputy is expressly forbid to survey otherwise than according to the express words in the warrant. And the surveyor general, in his commission, is directed to execute all warrants and orders according to the respective tenors of the same. And if they acted contrary to their powers or instructions it certainly could not be binding on the proprietaries.

Where a writ issues from a court, or a summons from a justice of the peace, it is always returnable to the place from whence it issues.

The same way with respect to a warrant to survey land, the officer has nothing to do but obey the directions of the writ or warrant; when he executes it, his duty is done, and his power ceases as to that.

As to the acceptance of a survey, the warrant being directed to the surveyor general to execute, it is he, through his deputy, that makes the survey, and how a person, performing a piece of workmanship, can with propriety be said to accept of the work of his own hands, or an officer accept of service performed by himself, or deputy, is a paradox not for me to explain. And if the surveyor general's receiving a return from his deputy, and filing it in his own office, is an acceptance, I ask what is the use of a warrant directing him to accept a survey? the warrant of acceptance, and the return made by the surveyor general, is certainly the evidence of the acceptance, and the return itself is the best evidence as to that.

If the title was to vest from the time of survey on a lost location, or when filed, then would the acts of the deputy surveyor and surveyor general be paramount to, and do away all the established rules as put on record. And making surveys contrary to instructions, would be a violation of their sacred duties as public officers, which they were bound to perform with fidelity; and would be the assuming of powers not given to them.

S. E. vol. 2, page 190, it is said, speaking of surveys made in favour of lost locations, "although the surveyor had no direct authority for making them, it was a title acquired by connivance of the proprietary officers." It may be asked, is a practice by connivance to do away the public records and the law of the land? It is also said, that "a location is no title but the inception of title." It may also be asked, how a location calling for land in one place can give inception of title to land in another place?

It appears that the surveyor general filed all returns offered as a matter of course, without much examination, for it is found in some instances, that several returns were made to him

by his deputies on the same warrant or location, and remain filed in the surveyor general's office to this day; and frequently when a person comes to obtain his patent, he can scarcely tell which is the return of his own land. And in several instances persons under such circumstances have patented their neighbour's land for their own. Now if filing the return in the surveyor general's office is an acceptance, and if the title vests from the time of survey, I would ask if a title vests on all surveys made on the same warrant or location, or only on one, and if on one only, which is the one?

Only one survey could be legally made on the same warrant or location without first getting a special order or warrant for making a second.

A practice had been introduced by deputy surveyors of surveying a larger quantity of land than the warrant or order called for, but by a decision of the board of property on the 1st of May, 1767, all surveys to be made after that, were not to contain more than ten per cent. above what the warrant called for. Surveys, however, were made afterwards, containing a greater surplus, and perhaps surveyors might have thought themselves vested with a discretion on this head, as by a second sett of instructions (S. E. vol. 2, page 163,) they are directed to observe the rule "as near as reasonably may be." It was a thing however altogether between the proprietaries and the party, unless it interfered with some other person's claim; in which case the warrantee was confined to the strict quantity mentioned in his warrant or order. It was altogether discretionary with the proprietaries whether it was allowed of, or not; but, like every other discretionary power, was exercised in such manner as to promote justice and the interest of themselves.

The usage of the land-office, as respects surveys made on lost locations or warrants, private surveys, or surveys made in any respect without a direct authority, (which were all considered as private surveys,) is in a few words as follows: Where a survey was made without a specific authority, it gave no right in equity, but if the party for whom it was made, had previously or subsequently to said survey, taken possession of the land and exercised acts of ownership, by paying taxes, and improving the same; or if the proprietaries or their commissioners of property, by some subsequent act had sanctioned said survey by a warrant of acceptance, then in either of these cases did equity attach; not from the survey, but from the subsequent act of the proprietaries, or from the possession.

ON IMPROVEMENTS.

Although the proprietaries, by proclamation, threatened settlers who had not taken warrants for their land, yet there is nothing which I have found on record that shews they were actually dispossessed. It is altogether probable, however, that those settlers complied with the proprietary demands, for by a bond found in the land-office they were obliged either to satisfy the proprietaries or quit the land. The following is the condition of the bond:

"Now the condition of the above written obligation is such, that if the said above bounden Peter Labar, Hans Houser, Christian Jockie, Jacob String, Peter Cocker, Bernard Walter, Henry Wolf, Jonathan Parker, Christopher Fuckess, Adam Friedman, Thomas Sylliman, and Henry Weedman, and every of them shall do peaceably and quietly leave, yield up and deliver the possession of all and singular the said lands, &c. before the last day of April next, &c. then the within obligation to be void, &c." Signed by all the persons named, and dated the 20th September, 1752.

In the former part of this bond it is stated, that these persons had taken possession of the land, and erected dwelling houses, and made improvements, &c., and that they had frequently received notice to remove; and that by "their petition of the 18th of September instant, do, amongst other things, pray that they may continue on their respective improvements till April next ensuing, at which time they will either purchase, lease, or remove from said lands, as shall be consistent with the proprietaries or their deputies' pleasure."

Notwithstanding this seeming strictness, the proprietaries gave great indulgence to settlers, as it was certainly their interest so to do; and always gave them a preference where it could be done consistently with the established rules.

We find that Samuel Blunston was authorized to grant licenses to settlers over the Susquehanna, and a book is found in the land-office containing the names and applications of nearly three hundred settlers. Which book is prefaced as follows: "A record of licenses granted to sundry persons, to settle and take up land on the west side of Susquehanna river, by virtue of a commission from the honourable Thomas Penn, esquire, bearing date the 11th day of January, 1733. To Samuel Blunston, of Lancaster county." And in page 30 of said book we find the following form of a warrant to be issued to these settlers:

"Whereas, sundry Germans and others, formerly seated themselves by our leave upon lands lying on the west side of the river Susquehanna, within our county of Lancaster, and within the bounds of a tract of land surveyed the 19th and 20th days of June, Anno Domini, 1722; containing about seventy thousand acres, commonly called the manor of Springetsbury. And whereas, a confirmation to the persons seated on the same, for their several tracts, has hitherto been delayed by reason of the claim made to the said lands by the Indians of the five nations, which claim the said Indians have now effectually released to us by their deed bearing

* The commission of Samuel Blunston is recorded in Warrant Book P, page 42.

date the 11th day of this instant, (October.) And whereas, ———, one of the persons living within the said manor, hath now applied for ——— acres, part of the same where he is now seated: I do hereby certify that I will order a patent to be drawn to the said ——— for the said ——— acres, if so much can be there had, without prejudice to the other settlers, (on the common terms other lands on the west side of Susquehanna river are granted) as soon as the said quantity shall be surveyed to him out of the above mentioned tract, and a return thereof made to me.

October the 30th, 1736.

" Thomas Penn."

In Minute Book 1, page 63, the following entry is made also shewing a preference: "Upon representation of colonel Armstrong, that the settlers about the Big Springs, in Cumberland county, are greatly dissatisfied concerning a number of applications located amongst their settlements. The governor is pleased to order that colonel Armstrong in the first place lay off about the settlements a convenient quantity of land to each settlement in proportion to its extent, none to exceed two hundred and fifty acres; and then to survey the applications upon the vacancy that is left."

The case of Garlock v. Foust, before inserted, is also in point: and that surveys were allowed to be made for them without a warrant.

S. E. vol. 2, page 172, it is stated, that "warrants and applications have given way to mere improvements without other title." A mere improvement without being accompanied with an actual settlement within a reasonable time never was considered as giving a right in equity; although an improvement being accompanied with a warrant or location has frequently turned the scale against another office right, where the rights in other respects stood equal.

It is also true that actual settlers were almost always indulged, and sometimes got a preference; but it is pretty clear that all improvements to which a preference was given without being accompanied with an office right, was either accompanied with an actual settlement, or it was intended to be joined to a settled plantation. The word improvement, however, is frequently used by the proprietaries' commissioners, when it is evident an actual settlement was intended to be understood: and a settlement right was rarely preferred, unless the settlement had commenced prior to the warrant right opposed to it, or in cases where a fraud had been practised in obtaining the warrant or order.

The following extracts may serve to shew something of the practice relating to the subject: Minute Book 1, page 107 "On hearing, it appeared that M'Knight has a warrant and survey, after which James Wilkins bought an improvement right, knowing of the warrant and survey, and that likewise M'Knight has an improvement at least as strong as Wilkins'. Therefore the governor determines that M'Knight's survey be accepted and confirmed." Minute Book 1, page 58 Hardy v. Calhoun. "It appearing that James Calhoun was duly served with notice of a hearing this day, the governor proceeded to hear the case of John Hardy; and it appeared that twelve years ago the place in dispute was settled by one M'Clean, who sold his improvement to Arthur M'Connell for eight pounds, and that afterwards Hardy gave M'Connell fifty pounds for it, and lived upon it till driven off by the Indians. The governor therefore orders, that no survey be accepted on Calhoun's warrant, but that Hardy be allowed a warrant for two hundred acres, including his improvement." A rehearing of the above cause was granted, and the decision reversed. Minute Book 1, page 117. "Upon a rehearing it appeared, that James Calhoun set up an improvement right, at least of equal strength to Hardy's; and having a warrant, and living upon the place in dispute, the governor reversed the first determination, and orders Calhoun's survey to be received, provided he pay Hardy three pounds ten shillings for expenses of his attendance at the time of the last hearing." Same page. Fulton v. Robison. "On hearing it appeared, that although the warrant of Fulton is prior to that of Robison on which his survey is returned, yet Robison's warrant being obtained for an improvement and settlement made long before Fulton's warrant. The governor orders that it shall for that reason have the preference, and that Fulton's caveat be dismissed." Same book, page 243 Elder v. Ish. "It appearing that Joshua Elder hath the first application and survey, it is ordered that his survey be received and confirmed; but as Peter Ish alleges that he has made some improvement on said land, which will be of use to the said Elder. It is left to the judgment of William Patterson, esquire, and James Gallaher, what value those improvements are to the place, and elder is to pay said Ish the value." Book 1, page 132. W. Abernathy v. Thomas Barton. "The above Abernathy setting up a title by improvement, and being only able to prove that he had grubbed a few acres, plowed a little of it, and inclosed it only with a fence two rails high; the board looked upon the proceeding rather as an attempt to gain possession in order to sell, rather than settle the place, and therefore dismiss the caveat."

The following is an extract found amongst the files in the land-office, which further shews the intention of the proprietaries with respect to encouraging settlers, and discouraging land jobbing, &c.

"Copy paragraph in the governor's letter of 5th June, 1764: We desire you will, as soon as you receive this, open the office for granting warrants to all settlers, and let it be printed immediately, in the Gazette, that no time may be given to officers to have any preference.

We wish to give all favour to the poor settlers, who, we are told, are injured by land jobbers, chiefly deputy surveyors, who, when people discover pieces of vacant land, pretend it is appropriated, and survey it to themselves. You should endeavour to prevent this and not suffer deputy surveyors ever to have more than one tract for themselves, and that not to be returned to the surveyor general, without your orders. This must be strictly observed, else we shall have those people that would stay and improve the country, go and settle in Virginia and Carolina.

"You will not delay opening the office to give time for making returns of our land, but let the surveyors make them afterwards.

"I think if people were told that the first applier should have any land, surveyors had appropriated to their own use, it would put a stop to these practices." These directions are given in 1764, and in 1765 a proclamation is published, corresponding therewith, S. E. vol. 2, page 160,) by which it appears that the lands were offered only to persons who were "desirous to settle."

It is found that considerable quantities of lands are held by ancient settlements commenced under the proprietaries' government, and for which no office right has yet issued. Some have been so held, forty, fifty, or more years; and when they now apply, it is in most cases impossible to prove when the first improvement was commenced, of course the state has to lose not only several years interest, but a part of the purchase money; because those persons who settled under the proprietary government should have paid the proprietary price for the lands; but the act of 1784, setting the price of lands at ten pounds per hundred, has been considered as embracing all lands for which no office right had been granted, but whether this was a fair construction of the act or not, is perhaps not necessary to doubt at this day; but certain it is, that it has been the means of making a distinction between holders of lands that could not have been done under the proprietary usages, and has lessened the funds of the state to a considerable amount. Many tracts thus held have been divided and subdivided, and new improvements made on these subdivisions; and when the owners apply for their warrants, they generally get the improvement dated from the time the parts were improved, when at the same time those divisions had been held under an ancient improvement; thereby defrauding the state by sometimes bringing the price within the provisions of the act of 1792, which reduces it to fifty shillings per hundred acres.

ON TRUST.

The doctrine of trust arises pretty much from an imposition practised on the proprietaries and their commissioners against the established rules of the land-office, as well as since practised against the laws of the commonwealth, by persons engrossing large bodies of land for the sake of selling them out again, and thereby making a profit. That is, by one person applying at the land office as an agent, and taking out warrants and entering locations in the names of other persons, when in fact the land was intended for their own use. Agreeably to the usage and the laws one man could take up but one plantation; the reason of which is given in the preamble of the proclamation of the 17th of June, 1765; that is, that persons willing to make immediate settlement might have the land on the original terms, and not have to pay an advanced price, to a land jobber. But in this way the land jobber could evade the law, or the rule, and thereby engross any number of tracts, by getting a person who would assume the name of the applicant or warrantee, and convey a right of the warrant or application. The proprietaries (notwithstanding this regulation was to be general) reserved a privilege of granting larger quantities by special favour to persons who had rendered them signal services.

The doctrine on this subject (S. E. vol. 2, page 172,) is, that "the person whose name was used stands as a mere trustee for him who took out the warrant, or entered the location, and paid the surveyor or other officers." How then does this doctrine correspond with the usages of the office? In case of warrants, a written application or description of the land was given to the secretary of the land-office in the following form: "Samuel Richards three hundred acres of land, situate on a stream of water running into a lake on the north side thereof, adjoining Judah Foulks, and in Northumberland county, May 9th, 1774." An entry of this is made in the book, called the Warrant Book, in favour of Samuel Richards.

A warrant issues in the name of Samuel Richards, in the usual form, directing the surveyor general to survey, or cause to be surveyed, the land described in the warrant, for Samuel Richards. Samuel Richards is charged for this land in the receiver general's book; and Samuel Richards is credited with the money paid at the granting of the warrant. And the survey is made and returned to the surveyor general's office by the deputy for Samuel Richards. In this way are entries made for all persons to whom warrants are granted, nor does the name of any other person appear on the records as having an interest in any warrant issued out of the land-office.

In case of an application, the person named in the application, is entered in the application book as being the only interested person. A copy of it is also entered in the surveyor

general's office for the use of the nominal applicant. A copy of it is by the surveyor general directed to his deputy to execute; and he surveys and returns the survey back to the surveyor general as being surveyed for the same person, unless in the mean time it should be conveyed to another; and there it remains until the applicant or some person producing a conveyance of his right, applies for a patent. It is a fact that the records in all cases shew the nominal person to be the owner of the land until he conveys to some other. It is stated in the page before alluded to, that "the practice of the proprietary land-office first introduced this system of taking up lands."

I have, however, searched diligently, and cannot, in the land office books, or on the files, find any evidence shewing that the land-officers ever adopted such a system; but on the contrary, I find much evidence against it. If the reader will only refer to the proclamation of the 17th of June, as well as various other documents extracted from the land-office books and files, he will find that so far from encouraging speculation, either directly or indirectly, that every precaution is taken to guard against it.

That impositions, however, were practised, and titles obtained in this way, is certain. But that the land officers were privy to it, is only to be inferred from its having frequently been done. As this practice was altogether against the established rules of the office, there appears but few cases where the parties practising the imposition, had the hardihood to ask a confirmation without first obtaining a conveyance from the nominal person; of course but few disputes arose on that question: and when there did, it was decided in favour of the applicant. The following is the only case I find: Minute Book, page 2.9. *Fleming v. Plunket*. "In this case it appears that an application was put into the office by doctor Plunket or doctor Williamson; who acted for him, in the name of James Fleming, and was surveyed at the expense of Plunket. Plunket affirms the same was put in for the use of himself and company, and not for James Fleming. And on the other hand, Fleming affirms that the application was offered by doctor Plunket to him, and put in for his use, and refuses to release to doctor Plunket, in order to entitle him to obtain a patent, but insists on a patent for himself; and as this is allegation against allegation, the board are of opinion they must take the matter as it appears upon record, and that Fleming must have a patent; but before obtaining the patent, he pay doctor Plunket the costs of surveying and returning the tract." The following also shews that a conveyance was required before the patent issued to any but the applicant. Minute Book 2, page 32. *Lukens v. Cox*. "Doctor Cox not appearing, though he had notice, the board took the matter again into consideration; it having been heretofore agitated at the board by the parties, and having considered what had been heretofore urged by doctor Cox, and the report of Mr. William McClay, upon the case, it is ordered that doc or Cox have the liberty of laying the application of William Norcross, No. 1437, on the place surveyed for Jesse Lukens, upon the application of Robert Iredel, June, No. 1733, provided he make title to the application of Norcross, and that the survey made on the application of Charles Iredel, No. 594, be confirmed to Jesse Lukens, he making title thereto." S. E. vol 2, page 172, it is also said, "But as this trust is founded on mere presumption, I think it may be repelled by evidence of the contrary reputation, of the country being opposed to it in particular instances." This is putting the burthen of proof on the party who from every record appears to have the interest, and setting aside the evidence of records on mere presumption.

There could be no necessity for the proprietaries, or their commissioners of property, to connive at this mode of acquiring titles, because they had power without infringing on their own rules, to make special grants to one person for any quantity. This power they had reserved in laying down their general rules. See the proclamation of the 17th of June, 1765. "That no such application shall be received by the secretary, for more than three hundred acres to any one person, *without the special order of the proprietaries, or their commissioners of property*." And see the advertisement of the 23d of February, 1769. "No person will be allowed to take up more than three hundred acres without the special license of the proprietaries, or the governor." From which, as well as from other documents, it is plain, that special license might be given for any quantity to one person without infringing on the rules. And we see that this license or permission was given in certain cases. John Jennings was allowed to take up one thousand acres. Lottery Application Book, page 283. Page 5, same book, George Crohan, one thousand five hundred acres in one tract, and seven other tracts amounting to three thousand two hundred acres more. And in an old day book the same person is allowed to take up fourteen thousand acres, which was transferred to John Baynton and Samuel Wharton, and warrants issued to them for the same. See Warrant Book F, pages 577-8-9.

S. E. vol. 2, page 170, it is stated, that "as owners of the locations, in a great number of cases, made use of other names than their own, it was common to indorse the list given in with their own names. This circumstance and the hand writing in the body of the location, have frequently been considered of importance, and have more than once decided the right to the land against the nominal location." But with what propriety the person writing and putting in a location, or even paying the money on a warrant (as has been the practice for an agent, or one neighbour to do for another,) should afterwards set up a claim in

his own right is a question worthy of very serious consideration; because it may lead to endless litigation. This is given under the head of the practice in the land-office; but I presume it must be the practice of the courts, for certain it is that nothing on record is found to shew that any respect whatever was paid to the hand writing, or who put the application into the office.

OF ABANDONMENT.

It is said, in S. E. vol. 2, page 169, (speaking of the abandonment of an inceptive right to land) that "when the survey was duly made the principle of abandonment would not apply, no one would be deceived, the land could not be considered as vacant and unappropriated, and any neglect in perfecting the title was a matter solely between the proprietaries and the holder of the warrant or application, with which third persons had nothing to do." If the reader will refer to the advertisement of 23d of February, 1769, the proclamation of the 17th of June, 1765, and all warrants granted under the proprietaries' government, he will find that if the terms were not complied with, that the proprietaries had a right to sell the land to others whether a survey had been made or not; and that new sales were as often made after a survey as before. The records shew clearly that a mere survey gave no more nor better right than did the warrant or application on which it was made, and might as well be abandoned after a survey as before: nor were the proprietaries at liberty, by their own terms, to pursue any method other than that of regranteeing the land to others after the time limited had expired. It is however true it was a matter between the proprietaries and the party, provided no third person was affected by it; and it is also true, that if the party applied for a confirmation, and paid for the land before another application was made for it, I believe there is not an instance on record that the proprietaries did not grant the patent to the first applicant, or those holding under him, even after the abandonment might have been supposed to have taken place: and such grant could not be questioned, provided the land had not in the mean time been granted to some other person. It was, however, discretionary with the proprietaries, and might be considered as a new contract, and the warrant of acceptance in such case would be the evidence.

OF FORFEITURES.

The subjects of abandonment, and that of forfeiture, are so closely connected, that it is difficult to distinguish between them. The first account of warrants being made subject to forfeiture in cases of non-compliance, I find in a copy of a letter remaining in the land office from James Logan to the proprietor, dated 1705. He says, "For as we draw our warrants now upon new sales, their not complying with the terms, forfeits the tenure; a method that it had been happy if it always had been practised."

Entries of new warrants being granted in cases of forfeiture, are (as I have already observed) found to be numerous, and the practice or usage appears to have continued; for we find in Warrant Book, 1772-5, page 447, one to John Gray, which had been forfeited by John Scott; and in Warrant Book, 1775-6, (the last book kept by the proprietaries' officers) various entries are made of lots re-sold in Sunbury and other proprietary towns as having been forfeited.

In S. E. vol. 2, page 168, it is stated, (speaking of locations,) that "As to the proprietaries, no forfeitures were insisted on; and by various proclamations and advertisements after the respective periods, any forfeiture may be presumed to have been waved, by demanding the performance of the terms and conditions."

It is certainly true that the proprietaries did call on settlers, who had been settled a great number of years on surveyed lands to pay the purchase money, and take out their patents. See S. E. vol. 2, page 162. And it is also true, that a public notice was given to those who had entered applications, but who, from some cause, had not obtained surveys; to attend the surveyors and shew their land, in order that patents might issue, &c. See S. E. vol. 2, page 168.

As to persons actually settled on lands, it may fairly be inferred, that forfeitures were waved as to them, for although the proprietaries did from time to time call on them to pay the purchase money they owed, and take out their patents, yet I have not found on record, that lands on which persons were actually settled have been regranted to second purchasers without the settler's consent, either where possession was taken under a proprietary right or otherwise, unless it interfered with some prior right. But as to persons who took out warrants, made no settlements, paid nothing, or only a part of the purchase money, and did not apply for a confirmation of their titles within the limited, or a reasonable time, thereafter, and before a second person had made application for the same lands. In such cases the proprietaries did consider themselves at full liberty, and did in very many instances regrantee such land, which the records abundantly shew.

As to persons who had entered applications and had not obtained surveys, within the time specified, it was absolutely necessary to give some indulgence to them, because they had no power to compel deputy surveyors to make their surveys; nor was it possible for deputy

surveyors, within the first six months, to have completed surveys on all the applications entered at the opening of the office on the 3d of April, 1769, or at other times. The proprietaries, therefore, directed a notice to be given to those who had been unfortunate in obtaining their surveys within the time specified, to attend at a certain time and shew their land to the deputies, in order that surveys might be made, &c. This advertisement may be said to give an indulgence as to the time of making the surveys, but certainly not as to waiving any right of forfeiture; for in every other respect were patents to be granted agreeably to an advertisement or proclamation previously published: that was, to pay money and take their patents within six months after the surveys were returned into the surveyor general's office. See the proclamation of the 17th of June, 1765.

This proclamation contains the whole principles of the application plan, which by the minute of the 25th of January, 1769, was to be pursued generally with respect to the lands in the new purchase, as well as in the old. A short advertisement was in that case all that was necessary, as the proclamation had been previously published; both must then be taken in conjunction. It is true the board had thought of making some alteration as to the time of returning surveys, and paying the money, but none was actually made.

The time the proprietaries' government existed, after land had been taken up by application, was too short to commence exacting forfeitures as to them generally, for it does not appear that they regranted land until application was made to them for that purpose, and particularly so where the persons had not been able to obtain surveys in due time. But it may fairly be inferred that if they continued to exact forfeitures in case of warrants, where money had been paid, they would have done it in case of applications where none had been paid, unless in the mean time the first applicant had taken possession; in which case no new grant would (according to the usage) have been given to a second applicant.

It is not doubted but the proprietaries had a right to make their own terms of selling their lands. If, then, they had, surely they had the right of enacting those terms from purchasers. And as the terms, in case of non-compliance, was to regrant the land, they could not, with propriety, attempt another remedy, unless the applicant or warrantee had taken possession: in which case it might be construed into a notice, that he intended to keep the land, and comply with the terms. But where no possession was taken of the land, nor the party did not apply within a reasonable time, for a confirmation of his title, it was considered as an abandonment or forfeiture, and was a notice to the proprietaries that they might, according to contract, grant the land to whomsoever they pleased; and where they did so, the grant is certainly good, nor has such grant been questioned.

In cases of dispute at this day, where neither of the titles were completed, the question would naturally rest on principles of equity, as the act of the 9th of April, 1781, has recognized; and directed patents to issue on certain conditions, in cases where any person is "entitled either in law or equity," by virtue of any "grant, warrant, or location, &c."

TITLES CONFIRMED.

Under the proprietaries' government, no title was considered as good in law until a patent was granted and enrolled in the rolls office. See an extract from a commission of the commissioners of property in the preceding pages, as also others in the land-office.

The reason is plain, because all warrants and applications were granted conditionally; which, if not complied with, the proprietaries or their commissioners, were at liberty, according to said conditions, to grant the land to others.

After the revolution the legislature, by the act of the 27th of November, 1779, confirmed the titles, claims, or demands, which had been derived from the proprietaries or their officers, either in law or equity, "according to such estate, &c. as in and by the several and respective grants and conveyances thereof, are directed and appointed." And by the act of the 9th of April, 1781, patents are directed to issue to "all and every person or persons," &c. for lands for which no patents had been previously issued; provided the party applied within a limited time, which time has been extended until the 1st of January, 1813; after which time an additional interest is to be paid. By an act passed 30th of December, 1786, it was provided too, that no warrant should issue for any tract of land on which a settlement had been made, unless to such person or persons respectively, who had made the same, or their legal representatives, until after the 10th day of April, 1788. The benefit of this act to such settlers, has also been extended till the said 1st of January, 1813, after which it will rest with the legislature to extend the provisions of said law, or make such further regulations as they may deem necessary.

A patent was a grant complete both in law and equity, and as such confirmed by the act of 1779, to the holder, unless some fraud had been practised in obtaining it, or the land had been previously granted to some other person.

These unpatented proprietary rights have, in many cases, been considered superior to rights acquired since the revolution; yet there are cases where equity would seem to bar such claims: that is, where an original applicant or warrantee had not paid any purchase money or taxes, nor had ever taken possession of the land, or exercised acts of ownership

on the same, and the person under the later right had done these things. In such cases it would be just to plead the original applicant's non-compliance, and the proprietaries' usages, as a bar to his recovery; and certain it is, that the later right under the practice of the proprietary's land-office would have been preferred. Nor does the acts of assembly confirm proprietary rights otherwise than according to the estate vested by said rights agreeably to the usages; of course it would be necessary to refer to original agreements, or the terms of warrants and applications, to know how to decide.

The legislature having sanctioned such claims, cannot again interfere until after the 1st of January, 1813, when they may again extend the time for payment, or make such other regulations as may be necessary, because after that time, persons claiming under proprietary rights will be in the power of the legislature, as much as they would have been in the power of the proprietaries, after they had failed to comply with the conditions, their warrants or applications were subject to.

In testimony that the foregoing extracts are correct, as stated, and that the notes subjoined are corresponding with the usages of the land-office, during the proprietaries' government, to the best of my knowledge and belief, I have hereunto set my hand, at Harrisburgh, this 10th day of October, Anno Domini, 1812.

JOHN COCHRAN, *Secretary Land Office.*

SURVEYOR GENERAL'S OFFICE, September 25, 1812.

PURSUANT to a resolution of the legislature of the state of Pennsylvania, passed the 27th day of March, 1812, I do hereby certify, that I have carefully compared the annexed list of original papers remaining on file in this office, with the transcripts from said papers, published in the second volume of Smith's edition of the Laws of Pennsylvania, and that said transcripts have been correctly made, excepting the *errata* noted opposite the papers designated in said annexed list by the numbers *one* and *three*.

In testimony whereof, I have hereunto set my hand and the seal of the surveyor general's office at Harrisburgh, the day and year first above written.

ANDREW PORTER, *Surveyor General.*

No. 1. Scheme of a lottery for 100,000 acres of land in the province of Pennsylvania, dated Philadelphia, July 12th, 1735. (Vide Smith's edition of the Laws, vol. 2, page 149.)

Mr. Smith has only given the purport of the 6th and 7th items of this scheme.

No. 2. Proclamation of the proprietaries respecting presumptive settlers and delinquent warrantees, dated Philadelphia, November 23d, 1738. (See Smith's edition of the Laws, vol. 2, page 151.)

No. 3. Advertisement signed William Peters, secretary, dated land-office, 17th June, 1765. (See Smith's edition of the Laws, vol. 2, page 160.)

In several places of this advertisement for commissioners of property read commissioner of property.

No. 4. The first set of general instructions to deputy surveyors. (See Smith's edition of the Laws, vol. 2, page 162.)

No. 5. The second set of general instructions to deputy surveyors. (See Smith's edition of the Laws, vol. 2, page 163.)

N. B. You are to give some name to each survey you shall return into my office.

No. 6. Advertisement signed James Tilghman, secretary land-office, dated Philadelphia, land-office, February 23d, 1769. (See Smith's edition of the Laws, vol. 2, page 168.)

(Signed) John Lukens. [The above is omitted in the copy, as printed.]

No. 7. Notice to persons having entered applications, dated surveyor general's office, the 25th of April, 1774. Signed John Lukens, surveyor general. (See Smith's edition of the Laws, vol. 2, page 168.)

No. 8. The heading of the Lottery Location Book of the 3d of April, 1769. (See Smith's edition of the Laws, vol. 2, page 169.)

I cannot make out from the papers and records in the surveyor general's office, any other notes and extracts which, in my opinion, would tend to throw any additional light on the usages of the land-office under the proprietaries and their officers, in granting and confirming titles to land.

ANDREW PORTER, *Surveyor General.*

Note.—The resolution by which the preceding documents and certificates are directed to be annexed to this work, is in the following words:

Resolved by the Senate and House of Representatives of the commonwealth of Pennsylvania, in general assembly met, That it shall be the duty of the secretary of the commonwealth, the secretary of the land-office, and surveyor general, to compare with the originals, all extracts that said Charles Smith, esquire, has or may take from any book or document deposited or filed in their respective offices, and which have or may be inserted in the volumes of the laws printed and now printing by John Bioren, and make out such other extracts and notes as with the notes and extracts already made, may be necessary to shew the whole usages of the land-offices, in granting and confirming titles to land under the said proprietaries and their officers; and all such extracts being compared and certified, to be correct by the said secretary of the commonwealth, secretary of the land-office, and surveyor general, may thereafter be read in evidence, and have the same force and effect, as certified copies of such documents and records could or might have, if certified by the proper officer, and the seal of his office were thereto affixed.

JOHN TOD, *Speaker of the House of Representatives.*

P. C. LANE, *Speaker of the Senate.*

APPROVED—the twenty-seventh day of March, one thousand eight hundred and twelve.

SIMON SNYDER.

ADDITIONAL REMARKS BY THE EDITOR.

From the laborious investigation by the secretary, it must be presumed that the public are now in possession of all the documents which can furnish any evidence of the law, and usages of the land-office, and they will be fully able to draw their own conclusions from the various statements which have been made. The editor could never suppose that his labours would be without many defects, and occasional mistakes. The plan is novel; but if it should furnish materials for a future perfect system, with respect to the landed titles of Pennsylvania, its great object will be accomplished.

The few points of difference between the secretary and himself, the editor cheerfully submits to the judgment of a discerning public. He however regrets, that not having seen the secretary's notes until they were printed, he is obliged, in justice to himself, to remark, that in one passage the secretary has entirely misconceived the statement of the editor. In page 19, beginning at line 13, is the following paragraph: "It is stated in S. E. vol. 2. page 169, that warrants on which money had been usually paid, gave way to applications on which no money was paid." The secretary adds—"I have searched diligently for evidence of this, but cannot find it on record or file, unless, &c."

The language of the editor is, that "warrants, on which money had been usually paid, gave place to applications, on which no money was paid." This sentence, to be understood, must be connected with what precedes, and follows it. Its meaning obviously is, that at the period spoken of, the usual (though not universal) mode of acquiring a title to lands from the proprietaries, was by *application*, or *location*, on the entry of which no purchase money was paid, instead of warrants, on which part of the purchase money was usually paid; referring altogether to the change in the land-office by the introduction of the application system; but by no means conveying an idea, that titles commenced by warrant gave way to titles commenced by application, in case of conflicting interests.

With respect to lost, or shifted, applications or locations, the law appears to be well and firmly settled, on principles of sound sense, and great equity, in opposition to the opinion of the secretary; and it was the editor's duty to state the law as it has been established. It

forms an important part of the usages of the land-office ; it has been solemnly adjudged, repeatedly, by all the judges, among whom was the late venerable chief justice Shippen, than whom no man in Pennsylvania was more conversant with those usages ; and whose early and long experience, as well as intimate, personal knowledge of the proprietaries and their officers enabled him to obtain information with respect to the practice of the land-office, which no man, at the present day, can obtain. This law and practice have been sanctioned by juries ; innumerable titles depend upon them, and endless confusion and ruin would follow from a different construction. The case of *M'Kinney v. Houser*, which is combated by the secretary in page 22 of his notes, is declared to be fundamental ; and it is presumed, nothing short of legislative power can shake, or alter it. It is no where said in the editor's notes, that a descriptive location, duly pursued, would not be preferred to an indescriptive one.

Surveys on locations, when returned into the surveyor general's office, and filed by him, have uniformly been received in evidence, though no warrant of acceptance has issued. The surveyor general certifies them *officially*. Their operation, in case of conflicting claims, is a different question.

The warrant given at the bottom of page 23 of the secretary's notes, was confined solely to certain settlers within Springetsbury manor, and is not connected with Blunston's licenses ; the patents on which were always preceded by warrants of acceptance.

The editor is much gratified with the secretary's notes ; they will shed very considerable light upon an important subject ; and coming from so high an authority, will, no doubt, have great weight and influence. The law of the land-office is now presented to the public in different points of view. The attention of the secretary, as well as surveyor general, and secretary of the commonwealth, to the editor, in his researches in their respective offices, greatly facilitated his labours, and are gratefully and respectfully remembered and acknowledged. If, upon a careful review of the different parts of his work which have not received the assent of the secretary, the editor has not been able to alter his doctrine, it must be imputed to the error of his judgment, and his misconstruction of decided cases.

November 7th, 1812.



WE have examined the Acts of Assembly, printed by John Bioren, with the notes of Judicial Decisions in the Courts of Pennsylvania, and of the United States, and the Indexes, under the superintendence of Charles Smith, Esquire, and approve of the same. The General Index is a work of great labour, and in our opinion of great use.

November 21, 1812.

**WILLIAM TILGHMAN,
JASPER YEATES,
H. H. BRACKENRIDGE,**



HARRISBURG, Dec. 3, 1812.

AGREEABLY to the directions of the Legislature, we have examined generally this Edition of the Laws, consisting of five volumes.

We did not undertake to judge of the correctness of the decisions of the courts, that are subjoined by the superintendant, and much less of the accuracy of the reports, as several of them are taken from manuscripts to which we had not access. This was not, however, as we conceived, absolutely necessary, inasmuch as the judges of the supreme court have reviewed and approved of the work. Upon the whole we are of the opinion, when compared with former editions, that it is well executed, and therefore approve the same.

N. B. BOILEAU, Secretary of State.

WILLIAM FINDLAY, Treasurer.

SECRETARY'S OFFICE, December 3, 1812.

IN compliance with the requisition of the General Assembly of this commonwealth, **I** have carefully collated this Edition of the Laws, printed by John Bioren, with the original rolls—and such of the extracts, taken by Charles Smith, esquire, from books and documents in this office, with the originals. The annexed Errata exhibit the errors **I** have discovered; few of which materially affect the sense, and probably many of them occurred in the copy from which the edition was printed.

N. B. BOILEAU, *Secretary of State.*

ERRATA.

VOL. I.

Chap.	Page	13	Sec.	1	Line	14 for <i>nor</i> read <i>or</i>
	132	32		1	do. end of 11 for <i>or</i> read <i>and</i>	
	149	49		1	Line 12 reads "of <i>the</i> Government" etc. in the original	
	151	56		1	8 reads "all <i>prisons</i> shall" etc.	
	158	70		1	9 reads "persons <i>who</i> shall" etc.	
	197	85	14	10	reads "party <i>grieved</i> by" etc.	
	226	102	3	12	reads "their <i>rooms</i> shall" etc.	
	236	118	20	19	reads "proof thereof <i>made</i> upon" etc.	
	238	119	23	9	reads "after they so have" etc.	
	236	119	23	17	reads "offenders above expressed" etc.	
	236	120	27	3	reads "Oyer <i>or</i> terminer"	
	236	120	27	5	reads "be <i>discontinued</i> " etc.	
	236	120	27	7	reads "oyer <i>and</i> terminer"	
	242	passed 24th February	1720			
	295	Page 171	Sec. 4	Line 2	from top of page " <i>who</i> shall issue" etc.	
	315	186	14	5	read "shall at time or times" etc.	
	320	192	preamble	1	read "people <i>within</i> this province" etc.	
	320	193	Sec. 2	10	read "gifts <i>or</i> grants" etc.	
	399	220	2	13	from top of page "like manner <i>as</i> " etc.	
	399	221	5	10	from top of page "proportion <i>to</i> their" etc.	
	439	222	2	4	read " <i>not</i> more than one" etc.	
	482	225	1	7	from top "for <i>the</i> public" etc.	
	482	225	3	8	"upon the same <i>trusts</i> " etc.	
	560	275	1	11	from top of page " <i>supreme</i> court" etc.	
	594	288	12	2	from top of page "every <i>such</i> scavenger" etc.	
	594	297	32	13	" <i>number</i> of beasts" etc.	
	605	307	1	28	"law for <i>the</i> transferring" etc.	
	621	315	1	1	at top of page "within the <i>time</i> " etc.	
	624	319	2	7	"Surveyors <i>and</i> Regulators" etc.	
	625	321	1	10	from top of page "and give <i>on</i> Judgment" etc.	
	627	326	5	6	reads "said <i>Rivers</i> and streams" etc. in the original	
	635	334	4	18	reads "lame persons <i>or</i> other persons" etc.	
	635	338	14	1	top of page "happen <i>any</i> overplus" etc.	
	635	338	14	4	from top of page "goods <i>or</i> chatteis" etc.	
	635	338	15	14	"poor of <i>each</i> of the" etc.	
	635	339	17	11	from top of page "or places aforesaid" etc.	
	635	344	29	4	"at their own <i>charges</i> " etc.	
	636	355	12	4	from top of page "tenor <i>and</i> effect" etc.	
	636	358	18	34	from top of page "to <i>the</i> act."	
	642	365	4	last line	"money <i>into</i> Court."	
	652	382	1	5	"offices <i>or</i> buildings" etc.	
	660	388	1	3	from top of page "shall <i>not</i> in any case" etc.	
	669	390	3	7	"filing of the <i>bail</i> any law"	
	673	405	7	5	"third year in <i>the</i> reign" etc.	
	701	419	4	18	"to the <i>directions</i> of" etc.	
	703	421	1	7	"without <i>any</i> reasonable" etc.	
	703	421	1	9	"cast or fire any squils" etc.	
	717	427	2	7	from top of page "rate of <i>the</i> assessment" etc.	
	717	427	3	18	"of the <i>said</i> wardens" etc.	
	717	428	6	2	"to be extended" etc.	
	726	429	2	8	"persons <i>whosoever</i> are" etc.	
	726	431	8	16	"and <i>is</i> hereby declared" etc.	
	729	436	5	last line	"and is by law directed" etc.	
	737	445	9	7	"President <i>in</i> council" etc.	
	765	447	1	14	" <i>said</i> seal" etc.	
	773	452	6	29	"directly <i>nor</i> indirectly" etc.	
	773	456	11	19	from top of page "vested in <i>this</i> state" etc.	
	773	456	12	7	" <i>newspapers</i> within" etc.	
	773	458	14	4	from top of page " <i>preception</i> of" etc.	
	792	461	1	7	"lay out their money" etc.	

ERRATA.

Chap.	860	Page	477	Sec. 14	Line 12	"any ordinances" etc.
	863		480		5	6 "the third day" etc.
	863		482		11	7 from top of page "and they are" etc.
	865		482		14	7 "and the first annual" etc.
	867		486		5	6 "on the third" etc.
	870		493		2	11 "under that service" etc.
	877		498		5	1 "discharge or discharges" etc.
	908		511		8	8 "manufactories" etc.

VOL. II.

	936		7		3	3 reads "warrant or warrants" etc. in the record
	936		7		4	3 reads "come to his hands" etc. in the record
	944		9		5	5 reads " demise every" in the record
	959		24		19	3 reads "dates of said office" etc. in original
	1070		94		4	6 reads "gaol is erected" etc. in original
	1077		95		4	4 reads "to join in one libel" etc. in original
	1078		98		10	4 reads "and so much" etc. in original
	1077		259		21 & 22	reads 19 & 20 in original
	1121		276		1	9 from top of page "to the intent that no" etc. in original
	1121		276		1	11 from top of page "import therefore" etc. in original
	1128		292		13	14 "when drawing from" etc. in original
	1128		293		13	10 from top of page "the numbers of the three" etc.
	1134		300		4	3 "the time of such right" etc.
	1134		300		4	9 "his her or their" etc. in original
	1148		314		17	8 "interrogators" etc. in original
	1153		325		18	6 "Co. eway" etc. in original
	1154		327		10	12 "handling, any of the monies," etc.
	1156		328		1	13 "shall be bound" etc.
	1164		334		1	9 "Malborough" etc.
	1176		344		3	3 "before mentioned" etc.
	1176		345		4	2 "upon a false" etc.
	1176		346		11	3 "the sentence or" etc.
1172	1182 orig.		351		3	1 top of page "which shall be imported" etc.
	1182		351		6	10 "and so often as" etc.
	1231		384		8	15 "Malborough, west" etc.
	1234		390		3	15 "by a south south east" etc.
	1267		399		3	5 "or quality soever" etc.
	1310		437		9	9 "townships and districts" etc.
	1353		454		2	10 & 11 "warrant of survey" etc.
	1383		472		33	4 from top of page "recognizances and been" etc.
	1384		477		6	25 "the said two last" etc.
	1401		484		1	5 & 6 from top of page "a great relief" etc.
	1417		488		4	6 "their annual election" etc.
	1442		491		3	3 "appointed by a magistrat" etc.
	1442		491		4	9 "the supplements thereto" etc.
	1445		494		4	7 "Sessions of the peace" etc.
	1452		500		7	5 "Counties of this state" etc.
	1446		510		1	31 "Lat. 42°" etc.
	1485		522		2	6 & 7 "any the creditors" etc.
	1485		523		6	9 reads "the persons of such" etc. in original
	1505		531		2	17 reads "have been committed" etc. in original
	1505		534		8	4 from top of page "by virtue of the act" etc.

VOL. III.

1311		2	3	7 "and begin in the following style" etc.
1364		32	13	7 "or appellate jurisdiction" etc.
1364		32	15	2 "any Courts of record" etc.
1572		38	1	28 from top of page "of the same Court" etc.
1574		46	1	25 from top of page "members so selected" etc.
1574		47	2	3 from top of page "appointment sundays excepted" etc.
1587		54	preamble	7 from top of page "each of the two present Boards" etc.
1602		64	section 1	1 top of page "doth interfere with" etc.
1625		78	preamble	5 "common necessities" etc.
1656		103	article 13	22 "payable to bearer shall" etc.
1740		143	section 3	5 "and be enjoyed" etc.
1749		151	20	9 from top of page "said Orphan's Court" etc.
1773		194	2	5 money have not been paid" etc.
1773		194	2	10 "for land sold" etc.
1823		220	3	5 "for the said County of" etc.
1845		237	7	2 from top of page "of the out Lots" etc.
1859		262	1	9 & 10 "thence a southwesterly" etc.
1960		306	2	9 "election of the said" etc.
1960		308	4	6 & 7 from top "by one fourth" etc.
1960		308	4	7 & 8 from top "aforesaid and shall" etc.
2003		339	2	17 from top "any ways or means" etc.
2021		358	1	sec. 14 in original
2040		362	1	1 top of page "said recited acts" etc.

ERRATA.

Chap.	Page	Sec.	Line	7 & 8
2042	363	2	19	"at <i>one</i> price" etc.
2042	364	5	4	"occupied or <i>acquired</i> " etc.
2042	365	6	17	"excepting the case of minors" etc.
2050	373	5	3	from top of page "foot of the <i>shade</i> mountain" etc.
2051	376	3	6	"and the hundred nine" etc.
2052	376	1	11	"the offence <i>is</i> committed" etc.
2064	381	3	5	from top "in pike run" etc.
2069	383	5	8	"apply in three months" etc.
2071	384	1	12	up to the main fork" etc.
2071	384	2	3	"possessing <i>land</i> on" etc.
2084	395	9	3	"each of the two" etc.
2084	397	14	5	"on warrants drawn" etc.
2084	398	16	13	"by the <i>treasurers</i> " etc.
2084	402	27	8	"under penalty of" etc.
2095	411	2	5	reads "the <i>laws</i> of this" etc. in the original
2119	425	8	40	from top of page "at the house now" etc. in the original
2119	428	14	42	"Lake <i>assurances</i> " etc.
2120	434	3	7	"such <i>administrator</i> or administrators" etc.
(2166				enrolled page 221)
2175	464	3	12	from top of page "from <i>other</i> records" etc.
(2176				enrolled page 250)
(2177				enrolled page 251)
2220	484	2	8	from top of page "shall forthwith be" etc.
2277	507	preamble	17	from top "and that actual settlements" etc.
2287	518	14	12	"from such road passing" etc.
2289	526	1	7 & 8	"to which this is a supplement" etc.
2294	533	4	7	"thereof at <i>such</i> sale" etc.
2294	439	4		last line "Landlord and tenant"
VOL. IV.				
2300				enrolled Book VIII. page 204
2355	48	4	9	reads "it shall be lawful" etc. in original
2357	56	12	17	"furnishing the relief" etc.
2357	60	23	10	"Recorder and alderman" etc.
2358	73	17	16	"next after the expiration" etc.
2358	77	30	8	"in case <i>any</i> such pilot" etc.
2358	78	32	11	"masters of <i>vessels</i> " etc.
2367	86	2	9	"convenient <i>part</i> thereof" etc.
2371	87	3	7	"Jacob Stahby" etc.
(2380	90	3	2)	(same in the original as printed copy)
2389	101	2	13	"duly <i>assessed</i> and returned" etc.
2389	101	3	6 & 7	"in each year viz on the Saturday next preceding the first Tuesday in October in each year, except" etc.
2391	105	5	12 & 13	"paid by the <i>purchaser</i> " etc.
2414	119	2	14	"likewise pay the costs" etc.
2486	184	1	20	"or legal Representatives" etc.
2565	227	1	6	"shall <i>from and after</i> the first" etc.
2577	239	4	14	"cases made and provided" etc.
2577	240	6	3	from top of page "court <i>within</i> the ensuing" etc.
2581	245	1	7	" <i>vessels</i> and it shall" etc.
2587	249	1	6	reads "the ninth of March" etc. in the original
2588	250	3	4	from top of page "sums, <i>in</i> like manner & form" etc.
2622				passed 27th January 1806, No. X. page 210.
2634	272	8	6	"upon the several actions" etc.
2656	293	1	3	from top of page "poor <i>to</i> be erected" etc.
2656	293	2	10	"a majority of <i>whom</i> shall" etc.
2656	293	2	11	"their election determine upon" etc.
2665				recorded No. X. page 303.
2670	309	8	4	(the small pox or measles excepted)
2670	310	11	9	"and generally to superintend" etc.
2715	350	16		should be 15
2717	354	3	2	"to <i>frame</i> an indictment" etc.
2805	393	1	5	"limited in, by the fourth" etc.
2813	400	6	15	"apportion <i>the</i> value of the widow's" etc.
2832	4			sec 5 in original
2842	433	25	20	"but if <i>it</i> , does not" etc.
2842	438	31		article 17 line 3 "the <i>Inspectors</i> of the" etc.
2842	440	40	17	"collected <i>off</i> exempt" etc.
2845	446	3	16	"the distance at least" etc.
2845				recorded page 89.
2852	458	10	3 & 4	" <i>notices</i> shall be sent" etc.
2856	465	18	5	summit of <i>canoe</i> " etc.
2918	493	1	14 & 15	"appeals <i>have</i> been made" etc.
2947	508	13	5	"companies <i>where</i> the same" etc.
2948	514	16	6	"supervisor or any two" etc.
3002	537	1	2	from top of page "contribution to stock agreement" etc.

ERRATA.

VOL. V.

Chap.	Page.	12	Sec.	5	Line	
3030	16			5	7	reads "accurately <i>designating</i> " etc.
3065	47			8	3 & 4	" writ or certiorari" etc.
3078	54			1	7	" signed by said Secretary" etc.
3218	129			5	12 & 13	from top of page "for any road or part of road" etc.
3218	129			5	3	" ascertain the rights or lots" etc.
3218	129			5	5	" settlers <i>within</i> said townships" etc.
3219	132			1	6	" the twenty-eighth March" etc.
3219	132			2	15	from top of page "in such <i>suits</i> or actions" etc.
3229	156			1	6	" either <i>three</i> five or seven" etc.
3240						passed 9th March, 1810
3249	175			30	6	" wears <i>cross-creeks</i> " etc.
						recorded Book XI. page 180.
3249	175			33	9	from top of page reads "or <i>jurisdictions</i> of said" etc. in original
3350	224			4	3 & 4	" in <i>such</i> newspapers" etc.
3409	281			13	3	" first Monday of June" etc.
3486	325			10	5	" repair <i>out</i> to be made" etc.
3486	327			12	14	" shall be <i>the</i> drawer" etc.
3508	346			16	4	" themselves or <i>agents</i> " etc.
3541	564			11	12	" <i>discovered</i> being" etc.
					9	" on the North <i>Kill</i> creek" etc.

A C T S

OF THE

General Assembly of Pennsylvania.

Passed at a session which commenced on the 6th day of December, 1808, and ended 4th April, 1809.

SIMON SNYDER, GOVERNOR.
PRESLY CARR LANE, SPEAKER OF THE SENATE.
JAMES ENGLE, SPEAKER OF THE HOUSE OF REPRESENTATIVES.

1808.

CHAPTER MMMIII.

An ACT SUPPLEMENTARY to an act, entitled "An act to raise by way of lottery the sum of seven thousand dollars, to enable the company for the purpose of promoting the cultivation of Vines to pay their debts, and accomplish the object of their association, and two thousand dollars for erecting a school house near Summonytown, in Montgomery county." [Vol. 3, pa. 95, 417.]

SECT. 1. [HUGH FERGUSON and others appointed commissioners in the room of others, who declined serving. 2. Governor to supply vacancies.]

Passed 23d December, 1808.—Recorded in Law Book No. XI. page 269.

CHAPTER MMMIV.

An ACT SUPPLEMENTARY to an act, entitled "An act to provide for the settlement of public accounts, and for other purposes therein mentioned."

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the members of both houses of the general assembly shall convene in the chamber of the house of representatives, at the hour of twelve o'clock at noon, for the*

Meeting of the convention for choosing state treasurer to be in the chamber

1809. purpose of choosing a state-treasurer, upon which occasion the speaker of the house of representatives shall preside as chairman, any law or usage to the contrary notwithstanding.

of the house
of represen-
tatives.

Passed 10th January, 1809.—Recorded in Law Book No. XI. page 269.

CHAPTER MMMVIII.

An ACT to amend an act, entitled “An act granting an annuity to Thomas Snowden.”

SECT. 1. [ANNUITY granted to Thomas Snowden made payable half yearly.]

Passed 4th February, 1809.—Recorded in Law Book No. XI. page 272.

CHAPTER MMMXI.

An ACT vesting a title to a small piece of land in Hempfield township, Westmoreland county, in certain trustees and their successors, for the use of a school.

SECT. 1. [OFFICERS of the land-office required to complete a title clear of purchase money and fees to Christian Arrett and others for a lot of land in Hempfield township, Westmoreland county, in trust for the use of schools. Majority of subscribers to the school to choose trustees in certain cases.]

Passed 8th February, 1809.—Recorded in Law Book No. XI. page 273.

CHAPTER MMMXII.

An ACT relating to a lien of this commonwealth on the estate of William Nichols, deceased.

BY an act of the general assembly of Pennsylvania, passed February eighteenth, one thousand seven hundred and eighty-five, and before the formation and adoption of the constitution of the United States, and in the twelfth section of the said act, it is enacted and declared, “That the settlement of any public account by the comptroller-general, and confirmation thereof by the supreme executive council, whereby any balance or sum of money shall be found due from any person to the commonwealth, shall be deemed and adjudged a lien on all the real estate of such person throughout this state, in the same manner as if judgment had been given in favour of the commonwealth, against such person for such debt in the Supreme Court, and if after an appeal from the said settlement of account by or award of the said comptroller-general, and confirmation thereof by the supreme executive council, the said settlement shall be confirmed, the said Supreme Court, shall award interest thereon from the date of the confirmation of the said settlement of

account by the supreme executive council, and costs to be paid by the appellant." 1809.

And whereas William Nichols, as clerk of the Mayor's Court, of the city of Philadelphia, received for tavern licenses, for the use of this commonwealth, large sums of money, and upon settlement of his account in pursuance of the above recited act, he became indebted to this commonwealth, in the sum of seven thousand eight hundred and ninety-four dollars and sixty-nine cents, whereby a lien was created and attached on all his real estate, on the thirty-first day of December, in the year one thousand seven hundred and ninety-seven; and the said William Nichols having appealed to the Supreme Court, the said settlement was confirmed and judgment rendered for the commonwealth, on the sixth day of September, one thousand eight hundred and two, for the balance aforesaid, and the interest thereon amounting to the sum of nine thousand nine hundred and eighty-seven dollars and fifteen cents.

And whereas the said William Nichols, as collector of the internal revenue of the United States, became indebted to the United States, in the sum of twenty-nine thousand two hundred and seventy-one dollars, and to secure the payment thereof executed a mortgage of his real estate to Henry Miller, alleged to be for the use of the United States, notwithstanding the said estate was subject to the prior lien of this commonwealth: and afterwards a *scire facias* issued upon the said mortgage, wherein Henry Miller, for the use of the United States, was plaintiff, and William Nichols defendant, and judgment was rendered thereon by the Supreme Court of Pennsylvania, and the said mortgaged premises have been sold, and the proceeds thereof amounting to the sum of fourteen thousand five hundred and thirty dollars, in obedience to a rule of the said court are now deposited in the hands of the prothonotary thereof:

And it appears by the record of the said suit that the attorney-general of this commonwealth, moved the court for a rule to shew cause why the amount of the sum due upon the lien of the commonwealth, should not be taken out of court, which motion was granted by the unanimous opinion of the court, on the thirteenth day of September, one thousand eight hundred and five. And the said suit with all the proceedings touching the same, were removed by writ of error into the High Court of Errors and Appeals, on the thirtieth day of December, one thousand eight hundred and five, the said court then being the highest court of law in this commonwealth, which writ of error was quashed on the sixth day of July, one thousand eight hundred and eight, and the said record remitted to the Supreme Court:

And inasmuch as a writ of error has issued from the Supreme Court of the United States, to remove the said suit of Henry Miller, for the use of the United States against William Nichols, and a citation in consequence thereof has been delivered to the governor and attorney-general of this commonwealth, requiring the commonwealth to appear in the said court, and become a party to the said suit, and to bring into question the right of this commonwealth, to retain her lien aforesaid, in derogation thereof, because the district attorney of the United States has suggested that by an act of con-

1809.

gress, passed and approved March third, one thousand seven hundred and ninety-seven, the United States is entitled to be first satisfied out of the proceeds of the said sale, notwithstanding the lien aforesaid: And it is inexpedient for this commonwealth to appear or become a party to the said suit, or in such manner to permit her right aforesaid to be questioned, declaring at the same time a firm determination to support the constitution of the United States, and to submit to all lawful powers and authorities derived therefrom, but conceiving that this commonwealth has never surrendered to the general government a power to defeat or destroy her right to enforce the collection of her own revenues, without which power she could not exist as a sovereign state, and not being willing to ascribe to the federal courts, by mere implication and in destruction of such pre-existing right of the state government, a power which would involve such a consequence: Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the prothonotary of the eastern district of the Supreme Court of this commonwealth, shall, and he is hereby required and enjoined forthwith, to pay over to the treasurer of this commonwealth, out of the proceeds of the sales of the estate of William Nichols, deceased, in his hands, the sum of nine thousand nine hundred and eighty-seven dollars and fifteen cents, together with the interest thereon from the sixth day of September, one thousand eight hundred and two, until the sixth day of July, one thousand eight hundred and eight, in satisfaction and discharge of the lien of this commonwealth upon the said estate.*

Passed 8th February, 1809.—Recorded in Law Book No. XI. page 273.

CHAPTER MMMXIII.

An ACT authorizing George Bryan to sell and convey a certain lot of ground therein mentioned.

SECT. 1. [GEORGE BRYAN authorized to sell an unimproved lot of land in the borough of Pittsburgh, and apply the proceeds of such sale for the benefit of Sarah Bryan.]

Passed 8th February, 1809.—Private Act.—Recorded in Law Book No. XI. page 275.

CHAPTER MMMXIV.

An ACT SUPPLEMENTARY to "An act to enable the governor to incorporate a company for making an artificial road, from the city of Philadelphia, by Chad's ford on Brandywine, to the line of the state, in a direction towards Baltimore."

SECT. 1. [THE managers and company for turnpiking the Philadelphia and New-London turnpike road, authorized to demand toll on every five miles of the road they shall complete.]

Passed 14th February, 1809.—Recorded in Law Book No. XI. page 276.

Prothonotary required to pay over to the state treasurer 9987 dollars, 15 cents, with interest from a certain date.

[Vol. 4, p. 505.]

CHAPTER MMMXV.

1809.

An ACT to incorporate the Philadelphia Society for promoting Agriculture.

SECT. 1. [THE persons constituting the Philadelphia agricultural society declared to be a body politic and corporate, by the name of "The Philadelphia Society for Promoting Agriculture," with the usual corporate powers, for ten years. 2. Officers to be elected annually. 3. Corporation authorized to make by-laws, not inconsistent with the laws and constitution of this commonwealth. 4. Present officers to continue until an election shall be held under this act.]

Passed 14th February, 1809.—Recorded in Law Book No. XI. page 276.

CHAPTER MMMXVI.

An ACT to amend an act, entitled "An act granting an annuity to Edward Cavanaugh." [Vol. 4, pa. 532.]

SECT. 1. [THE annuity to Edward Cavanaugh to be payable half yearly.]

Passed 14th February, 1809.—Recorded in Law Book No. XI. page 277.

CHAPTER MMMXVII.

A SUPPLEMENT to an act, entitled "An act to regulate the fisheries in the river Delaware, and its branches, and for other purposes." [Vol. 4, pa. 118, and see act of 19th March, 1810; post.]

WHEREAS by an act of assembly of this commonwealth, passed on the eighth day of February, in the year of our Lord, one thousand eight hundred and four, entitled "An act to regulate the fisheries in the river Delaware and its branches, and for other purposes," and in the twelfth section thereof, it is enacted and declared, that "so soon as the legislature of New-Jersey, shall have enacted a law containing provisions similar to those herein before enacted, that then this act shall, and is hereby declared to be in full force and effect," and whereas the legislature of the state of New-Jersey, by an act passed on the twenty-sixth day of November, in the year of our Lord, one thousand eight hundred and eight, entitled "An act to regulate the fisheries in the river Delaware, and for other purposes," have made sundry alterations and additions, in and to the provisions and regulations contained in the said recited act of assembly of this commonwealth, and have further declared in the twelfth section of said act, that so soon as the legislature of the commonwealth of Pennsylvania, shall comply with the amendments and additions therein contained, then the said act shall be ratified and confirmed; and inasmuch as the interests of both states requires a mutual co-operation, in order to remove the evils which

1809. have been complained of, and which the said acts of both states are intended to remedy : Therefore,

Commonwealth assents to additions and amendments in an act of the state of New-Jersey, and the said act adopted.

Act of New-Jersey to be annexed and published, &c.

An exemplified copy to be deposited in the office of the secretary, &c.

Restrictions to operate equally upon citizens of this state, &c.

Fines and forfeitures to be recovered, &c.

This act not to interfere in settling the jurisdiction of the river Delaware, by the commissioners appointed for that purpose.

Parts of other acts made void.

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the assent of this commonwealth be, and the same is hereby given to the amendments and additions in the said recited act of the state of New-Jersey, mentioned and contained, and the said act of the state of New-Jersey, is hereby adopted, ratified and confirmed by this commonwealth, as fully and amply as if the same had been re-enacted at large, section by section, and the provisions thereof shall be in full force and effect within this commonwealth : And the said act of the state of New-Jersey, shall be annexed to this act, and published in the same manner as the laws of this commonwealth usually are, and the governor shall likewise cause an exemplified copy thereof to be deposited in the office of the secretary of this commonwealth, and transmit a copy of this act to the governor of the state of New-Jersey.

SECT. II. *And be it further enacted by the authority aforesaid,* That all the prohibitions and restrictions mentioned and contained in the said law of the state of New-Jersey, are hereby declared to have like force and effect upon the citizens of this commonwealth, as they have upon the citizens of the state of New-Jersey, and all breaches and violations thereof shall be in like manner punishable within this state, and all fines, forfeitures and penalties which may be incurred within this state, shall be recovered as such fines, forfeitures and penalties usually are within this state, and in pursuance of the act to which this is a supplement, and shall be paid over to the supervisors of the highways, and be applied to the improvement of the same within the respective townships, in which the same shall have been incurred, and the like duties enjoined upon certain officers or persons in the state of New-Jersey, are enjoined on, and shall be performed under the like penalties, for non-performance in this state, by such officers as is directed by the said act to which this is a supplement.

SECT. III. *And be it further enacted by the authority aforesaid,* That nothing in this act contained shall be construed to affect, or impair, the compact between the said states of Pennsylvania and New-Jersey, as ratified and confirmed by this commonwealth, by an act, entitled "An act to ratify and confirm an agreement made between commissioners appointed by the legislature of the state of New-Jersey, and commissioners appointed by the legislature of the state of Pennsylvania, for the purpose of settling the jurisdiction of the river Delaware and islands within the same," passed on the twentieth day of September, in the year of our Lord, one thousand seven hundred and eighty-three.

SECT. IV. *And be it further enacted by the authority aforesaid,* That so much of any law of this commonwealth as is hereby altered and supplied, be hereby repealed : And all other parts of the act to which this is a supplement, are hereby declared to be in full force and effect.

[*Exemplification.*]

1809.

STATE OF NEW-JERSEY.

An ACT to regulate the fisheries in the river Delaware, and for other purposes."

SECT. 1. *BE it enacted by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, no seine nor net shall be cast, drawn, or in anywise made use of by any person or persons whomsoever, in the river Delaware, within the jurisdiction of this state, from Saturday twelve o'clock at night, until twelve o'clock on Sunday night, and that no more than one seine or net shall be cast, drawn or in anywise made use of in any one pool or fishing place by any person or persons whomsoever, in the aforesaid river, from the station point, or north-west corner of this state, to the southern point of Newbold's or Biddle's Island, in the county of Burlington, and from thence down opposite the circular boundary of the state of Delaware, not more than two nets, within any one term of twenty-four hours, to begin at sun rising, and to continue until sun rising the next day following : And if any person or persons whosoever shall cast, draw, or make use of any seine or net, in the said river, or shall be aiding or assisting therein, within the term or terms aforesaid, contrary to the true intent and meaning of this act, every person or persons so offending, and being thereof legally convicted, before any justice of the peace of the county where the offence is committed, shall forfeit and pay the sum of fifty dollars for each and every such offence, together with the costs of prosecution ; to be paid to the collector of the county where the offence has been committed, for the use of said county.

SECT. II. *And be it enacted,* That if any person or persons shall cast, draw, or make use of any shad seine or shad net, for the purpose of catching fish in the river Delaware, within the limits of this state, below the falls of Trenton, after the tenth day of June, or between the said falls, and opposite the mouth of the river Lehigh, after the fifth day of June, or in any other part of the river Delaware, between the mouth of the river Lehigh and the station point, or north-west corner of this state, after the tenth day of June, in each and every year : every person or persons so offending, and being thereof legally convicted before any justice of the peace, in and for the county where he or they may be apprehended, shall forfeit and pay the sum of fifty dollars for each and every such offence, to be applied to the use aforesaid, and likewise to pay costs of prosecution. And in order to ascertain what shall be deemed and held to be a pool or fishing place, within the meaning of this act.

SECT. III. *Be it enacted,* That from the place or places where seines or nets are usually thrown into the place or places where they have been usually taken out, or from the place or places where they may hereafter be thrown into the water, to the place or places where they may be taken out, shall be deemed and held to be a pool or fishing place within the meaning of this act.

1809.

SECT. IV. And be it enacted, That if any person or persons shall be found making use of any seine or net, contrary to the true intent and meaning of this act, every such person or persons so offending, shall, in addition to the penalty aforesaid, forfeit the seine or net so made use of, which seine or net shall by order of the court, before whom such person or persons shall be convicted, be exposed to public sale, after giving five days notice thereof by advertisement, and the money arising therefrom shall be paid in the manner and for the use aforesaid, the costs of such prosecution and sale being first deducted.

SECT. V. And be it enacted, That if any person or persons who-soever shall erect, build, set up, repair or maintain, or shall be aiding, assisting or abetting in erecting, building, setting, repairing or maintaining, any weir, rack, basket, fishing dam or pound; or shall make use of any swab or brush net, or shall fix, fasten, set or otherwise make use of any gilling seine or drift net, anchor any engine, or make use of any device whatsoever, except fishing with sweeping seines, hooks and lines, darts, scop-nets and eel-baskets for taking fish in the river Delaware, within the limits aforesaid: every person or persons so offending, and being legally convicted thereof by the oath or affirmation of one or more credible witness, or by his or their own confession, before any court having competent jurisdiction, where such offender may be apprehended; shall forfeit and pay the sum of one hundred dollars, together with costs of suit, to be recovered and applied as aforesaid.

SECT. VI. And be it enacted, That if any person or persons who-soever shall erect, build, set up, repair or maintain, or shall be aiding or assisting in erecting, building, setting up, repairing or maintaining any wing-dam, or placing any other obstruction injurious to the navigation of said river, as aforesaid, except such mill-dams as have been or hereafter may be put up in pursuance of any special act of the legislature, and being thereof legally convicted, before the Court of Quarter Sessions of the county where the offence has been committed, shall forfeit and pay the sum of one hundred dollars, to be paid to and applied for the use aforesaid: *Provided always,* That wherever the land of any person along the said river is situated so low as to make it difficult to keep a fence, in such case, they shall be allowed the privilege of making a wall or rack, sufficient to answer the purpose of preventing cattle from going round, with making and providing a sufficient passage near the shore, at least eleven feet wide, sufficiently deep for boats to pass through, until the water is so low as to go conveniently round the said wall.

SECT. VII. And be it enacted, That the constables of each respective township, borough or district, which shall be bounded by or adjoining any part of the river Delaware as aforesaid, shall, and he hereby is strictly enjoined and required, diligently to enquire, inspect and view once every week, from the first day of April, until the tenth of June, in every year, such parts of said river as shall be adjoining his respective township, borough or district, and having any knowledge of any offences against this act, he shall forthwith give information to some justice of the peace, who shall imme-

diately issue forth his warrant, directing the constable to bring forth with before him, such transgressor or transgressors, and have them dealt with according to law, and if any of the aforesaid constables shall neglect to perform the duties enjoined on him or them by this act; he or they so offending, and being thereof legally convicted before any justice of the proper county where such delinquents may reside, shall forfeit and pay the sum of twenty-five dollars for each and every such offence, to be levied and recovered as other sums to the like amount, to be paid to and applied for the use as aforesaid; and each of the constables while performing the duties enjoined on them by this act, shall be allowed at the rate of one dollar per day, to be paid by the county collector, each constable having an exact account of the number of days he or they have been employed under the direction of this act, regularly attested before one of the justices of the peace of their respective townships.

SECT. VIII. *And be it enacted*, That the collector of each respective county adjoining the river Delaware, within the limits aforesaid, shall, every year before they settle their accounts, enquire of the justices of the peace of the several townships adjoining the river Delaware within their county, to know whether they have any money in their hands arising from such forfeitures as aforesaid; which money, if any there should be, they are hereby authorized to receive, with giving the magistrate a receipt, and their respective counties credit for the same. And if either of the collectors, from his or their own knowledge, or the information of any other person, shall have knowledge of any transgressions against this act, which either of the aforesaid constables have either neglected or refused to prosecute agreeably to the directions of this act, he or they are hereby strictly enjoined and required, under the penalty of twenty-five dollars, immediately to give information to one of the justices of the peace of the respective township, borough, or district, which said justice is hereby enjoined and required forthwith to proceed against any such delinquents, agreeably to the directions of this act.

SECT. IX. *And be it enacted*, That the constables of each of the several townships adjoining to the said river Delaware, from the tide water up to the station point, or northwest corner of this state, shall be, and they are hereby enjoined and required, under the penalty of fifty dollars, to view once at least in every fourteen days from the first day of August to the first day of December in every year, such parts of said river as shall be adjoining his or their respective townships, and if on any such view he or they shall find any fish dam, basket, pound, or such like device, for taking fish within the said river, he shall thereupon give notice to the next justice of the peace of the township or county so adjoining; which justice is hereby required to issue forth his warrant to one of the constables of the township adjacent to the fish-dam, basket, pound, or other device as aforesaid, so erected, or in which they or any of them shall be erected, enjoining and requiring the said constable forthwith to remove or cause to be removed every such fish-dam, basket, pound, or other device aforesaid, and for that purpose, to summon so many of the inhabitants of the said township as may be necessary to throw down, remove, and destroy such fish-dam, bas-

1808. kets, pound, or other device aforesaid, giving them three days previous notice. And the said constable shall make return of his proceedings to the said magistrate in ten days thereafter: and if any such constable to whom such warrants shall be directed, shall refuse or neglect to perform the duty hereby enjoined or required of him, he or they so offending, and being thereof legally convicted, shall for every such offence, forfeit and pay to the collector of the township where such offender shall reside, the sum of one hundred dollars, for the use of said county. And if any inhabitant so summoned, shall refuse or neglect to attend in person, or to send another able person in his room, to assist in throwing down, removing and destroying such fish-dam, basket, pound, or other device aforesaid, in such manner as the said constable shall order and direct, he shall forfeit and pay the sum of four dollars, for every such offence, to the overseers of the poor of the township whose inhabitants have been so summoned, for the use of the poor of the same; to be recovered and levied as debts of the like amount are by law recoverable: *Provided always*, That any person or persons who shall be convicted under this act, before any justice of the peace, he or they shall have a right to appeal to the Court of Quarter Sessions, within ten days after such conviction.

SECT. x. *And be it enacted*, That if any person or persons who ever shall cast or lay out, or cause to be laid out, any seine or net, into the river Delaware within the jurisdiction of this state, beyond the right angle of the shore and where his line strikes the river at low water mark agoing out, or suffer it to swing beyond the right angle of the shore of the river, and where his line strikes it at low water mark acoming in (except by unavoidable accident) every person or persons so offending, and being thereof legally convicted, shall forfeit and pay the sum of twenty-five dollars, for each and every such offence, with costs and damages, to be paid to the person against whose land such trespass shall be committed, if he shall sue for the same within six months after such trespass has been committed. And whereas it is provided by the agreement of the commissioners appointed by the legislature of this state, and of the state of Pennsylvania, to divide the islands and settle the line of jurisdiction in the river Delaware, that the legislature of each of the states should have and exercise the right of regulating and guarding the fisheries on the said river annexed to their respective shores, in such manner that the said fisheries may not be unnecessarily interrupted during the season of catching shad by vessels riding at anchor on the fishing ground or by persons fishing under a claim of a common right to the said river: Therefore,

SECT. xi. *Be it enacted*, That if any ship, vessel, or raft, shall, during the season of catching shad in the Delaware, come to anchor at the same, on any fishing ground where shad are usually taken, and shall not immediately be removed from the said fishing ground, if such removal can be done with safety, on application for that purpose by the owner or occupier of such fishery to the captain, pilot, or person having the command of the said ship, vessel, or raft; or if any such ship, vessel, or raft, be wilfully run on shore on any such fishing ground, then such captain, pilot, or person having the

command as aforesaid, shall forfeit and pay sixty dollars, to be recovered by action of debt, with costs, by the said owner or occupier. 1808.

And whereas the legislature of the commonwealth of Pennsylvania, have enacted a law, entitled "An act to regulate the fisheries in the river Delaware, and for other purposes," dated the eighth day of February, in the year of our Lord one thousand eight hundred and four, a copy of which has been presented to the legislature of this state, for mutual agreement: Therefore,

SECT. XII. *Be it enacted*, That his excellency the governor of this state, is hereby directed to transmit an attested copy of this law to the legislature of the commonwealth of Pennsylvania; and so soon as they shall comply with the amendments and additions herein contained, then this shall be, and is hereby ratified and confirmed.

SECT. XIII. *And be it enacted*, That the act entitled "An act to regulate certain fisheries in the river Delaware," passed the thirteenth day of June, seventeen hundred and ninety-nine, and all other acts heretofore passed relative thereto, be, and the same are hereby repealed.

Passed November 26th, 1808.

CHAPTER MMMXXI.

An ACT giving additional powers to, and changing the mode of appointment of the inspectors of the prison in Philadelphia, and for other purposes. [See notes to chap. 1805, vol. 2, p. 531.]

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That the inspectors of the prison of the city and county of Philadelphia in addition to the powers they already possess, shall have authority to choose out of their own body, a president, a secretary, and a treasurer. The treasurer shall receive all monies belonging to the institution and pay the same upon the orders of the board signed by the president, and attested by the secretary; his accounts shall be settled every two weeks by the board of inspectors who shall be and hereby are authorized in the name of the president to sue for, and recover possession by action of ejectment or otherwise of the vacant lots, the property of the commonwealth in the city of Philadelphia, unimproved by the state or any of them which were by an act of assembly passed the second day of April, one thousand eight hundred and three, directed to be sold by the inspectors aforesaid, and also in such name to sue for, and recover such debts as are now due or may hereafter become due to the prison of the city and county of Philadelphia, as fully and effectually as any body corporate may or can do, and no suit so brought shall be discontinued or abated by any change of the said persons by the appointment of others in their stead, but the same shall continue and proceed to the final issue.

Inspectors of the prison authorized to choose a president, &c., out of their own body.

Treasurer to receive money belonging to the institution and to pay orders of the board, &c.

Treasurer's accounts to be settled every two weeks.

President to sue for vacant lots, &c.

1809.

Court of
Quarter Ses-
sions to ap-
point three
auditors, &c.

SECT. II. *And be it further enacted by the authority aforesaid,* That the Court of Quarter Sessions of the Peace, in and for the county of Philadelphia, shall at their sessions in March, annually, appoint three discreet and suitable persons as auditors, who shall, under oath or affirmation, audit and settle the accounts of the inspectors of the prison, subject nevertheless to the revision herein after mentioned, stating at large the receipts and disbursements of all monies which may have been received and expended by them, and publish the same in two of the daily newspapers, printed and published in the city of Philadelphia.

Select and
common
councils to
elect their
inspectors,
&c.

SECT. III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the select and common councils of the city of Philadelphia, in a joint meeting on the first Monday in May next, to elect by ballot three inspectors, and on the first Monday in November in like manner to elect three inspectors, who shall be taxable inhabitants of the said city; and it shall be the duty of the commissioners of the township of the Northern-Liberties, on the said first Mondays in May and November, to elect by ballot two inspectors, who shall be taxable inhabitants of the said township of the Northern-Liberties; and it shall be the duty of the commissioners of the district of Southwark, on the said first Mondays in May and November, to elect two inspectors, who shall be taxable inhabitants of the said district of Southwark, and it shall be the duty of the select and common councils and the commissioners of the Northern-Liberties, and the commissioners of the district of Southwark, on the first Mondays in May and November annually, between the hours of two and five o'clock in the afternoon, to elect their inspectors as aforesaid, a majority of whom shall constitute a board of inspectors for the prison of the city and county of Philadelphia: *Provided,* That those now in office shall continue therein until the expiration of the term for which they were respectively appointed.

Commission-
ers of the
township of
the Northern
Liberties
and commis-
sioners in
the district
of South-
wark each to
elect two in-
spectors on
the days
aforesaid.

Present in-
spectors to
continue in
office till the
time for
which they
were ap-
pointed ex-
pires.

Treasurer to
give bond
with sure-
ties.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the treasurer shall give bond with sufficient surety in the sum of ten thousand dollars, to the board of inspectors, for the faithful performance of the duties of his office, to be sued for and recovered in the name of the inspectors, on forfeiture thereof to the use of the institution, and the said treasurer shall not be entitled to receive any compensation for his services.

Inspectors
annually to
appoint three
of their own
body to in-
spect the ac-
counts of the
institution,
&c.

SECT. V. *And be it further enacted by the authority aforesaid,* That the said inspectors shall annually appoint three of their own body, whose especial duty it shall be to inspect the accounts of the institution, and who shall furnish under oath or affirmation on the first week in January, annually to the commissioners of such counties as may have become indebted for convicts confined in the prison of Philadelphia, a correct account current, accurately designing the value and amount of the weekly expenses incurred for the maintenance of said prisoners; and that in their opinion the charges therein contained are just and equitable, and also of the weekly amount and value of the labour performed by them, which account shall be certified by the president of the board of inspectors and attested by their clerk.

SECT. VI. *And be it further enacted by the authority aforesaid,* 1809.
That such part or parts of any law as is or are hereby altered and
supplied, be, and the same is and are hereby repealed.

Repeal of
part of for-
mer laws.

Passed 23d February, 1809.—Recorded in Law Book No. XI. page 281.

CHAPTER MMMXXII.

*An ACT to enable Victor Moreau to hold a certain tract of land by
him purchased.*

SECT. 1. [VICTOR MOREAU entitled to hold estate in
Morrisville, which he had contracted to purchase, notwithstanding
his alienage.]

Passed 23d February, 1809.—Private Act.—Recorded in Law Book No. XI.
page 282.

CHAPTER MMMXXVI.

An ACT to change the name of Lewis Dorleans to Lewis Emery.

Passed 23d February, 1809.—Recorded in Law Book No. XI. page 285.

CHAPTER MMMXXVII.

*An ACT to enable the governor to incorporate a company to make
an artificial road, by the best and nearest route, from the north
end of George-street, in the borough of York, to the Canal Ferry
on the river Susquehanna, and from thence up the said river to
the head of the Conewago falls.*

SECT. 1. [COMMISSIONERS to open books for subscrip-
tions. Books to be kept open six hours every day for six days un-
til subscription is filled. If not full may adjourn from time to time.
2. One hundred and fifty shares being subscribed, company may be
incorporated. The style to be "The President, Managers and Com-
pany of the York and Conewago canal turnpike road," with the
usual corporate powers. 3. Time and place of meeting to organize
the said corporation prescribed. Authorized to make by-laws, &c.
and to have the same privileges, and be subject to the same restric-
tions as the Susquehanna and York borough turnpike road, (vol. 4,
page 161.) The work to commence within three and be completed
within seven years.]

Passed 2d March, 1809.—Recorded in Law Book No. XI. page 285.

CHAPTER MMMXXVIII.

An ACT to perpetuate the great seal of this commonwealth.

WHEREAS the great seal of this commonwealth is so nearly
worn out, that it is necessary to renew the same; and whereas it

(See note to
chap. 149,
vol. 1, pa.
49.)

1809. appears that there is no description thereof on record, and it being proper that the said seal should be particularly described and established, so that the same may hereafter be more fully known and recognized: Therefore,

Secretary of
the common-
wealth re-
quired to
procure a
new state
seal.

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, 'That the secretary of the commonwealth be, and he hereby is authorized and directed to procure the renewal of the great seal of this commonwealth, and record and deposit a description thereof in writing in his office that the same may be made perpetual.*

Passed 2d March, 1809.—Recorded in Law Book No. XI. page 287.

CHAPTER MMMXXIX.

An ACT allowing the Philadelphia Bank to establish branches.

President
and directors
of the Phila-
delphia bank
authorized to
establish
eight branch-
es.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, 'That it shall and may be lawful for the president, directors and company of the Philadelphia bank to establish offices not exceeding eight in number, wheresoever they shall think proper within this commonwealth, for the purposes of discount and deposit only, and upon the same terms and in the same manner as shall be practised at their bank in the city of Philadelphia, and to commit the management of the said offices, and the making such discounts under such agreements and subject to such regulations as they shall deem proper, not being contrary to law or the constitution of said bank: Provided always, 'That no office of discount or deposit be opened in any town or borough of this state, without the previous consent of a majority of the taxable inhabitants of such town or borough: and that no office of discount and deposit be opened in any town or borough of this state, in which the bank of Pennsylvania, shall have previously established an office of discount and deposit: Provided nevertheless, 'That the bank of Pennsylvania, in like manner do not open an office of discount and deposit in any town or borough in which the bank of Philadelphia shall have previously established an office of discount and deposit: And provided also, 'That the president, directors and company aforesaid, shall have liberty to recal and annul the said offices of deposit and discount if found injurious to the interests of the institution: And provided also, 'That all notes or obligations bearing the signature of the president and cashier of the Philadelphia Bank, and issued at its branches, shall be payable at the said bank as well as at the branch where they issued, and no notes shall be issued at any of the said branches of less value than five dollars.*

But not in
any town or
borough
without the
consent of a
majority of
the taxable
inhabitants
thereof, nor
where Penn-
sylvania
bank has pre-
viously esta-
blished
branches,
like prohibi-
tion to
Pennsylvania
bank in
establishing
branches.
Power to an-
null said of-
fice of depo-
sit.
Notes issued
at the
branches re-
ceivable at
the bank in
Philadelphia,
no notes to
be issued less
than five dol-
lars.

Passed 3d March, 1809.—Recorded in Law Book No. XI. page 287.

CHAPTER MMMXXX.

1809.

A further SUPPLEMENT to an act, entitled "An act to alter the judiciary system of this commonwealth." (Vol. 4, pa. 271.)

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in addition to the present districts of the Supreme Court, there shall be two districts, and the same are hereby established as follow: One thereof to be called the Lancaster district, which shall be composed of the counties of Lancaster, York, Berks and Dauphin, and the other thereof to be called the Southern district, which shall be composed of the counties of Cumberland, Bedford, Franklin, Huntingdon and Adams, and there shall be a prothonotary appointed for each of the said districts, each of whom shall take and subscribe the like oath or affirmation, and give the like bonds as are by law required, to be taken and given by the present prothonotaries of the Supreme Courts, and shall perform the same duties in their respective districts, and be entitled to demand and receive similar fees as are allowed by law for the like services, to the present prothonotaries of the Supreme Courts; and in like manner be subject to account for the same, and it shall be the duty of the judges of the Supreme Court to hold one term annually in each of the said districts as follow: At Lancaster, for the Lancaster district, on the third Monday in May, and at Chambersburg, for the southern district, on the Monday week next following the end of the second week, of the term of the western district, and each of the said terms shall continue two weeks if necessary to do the business thereof, and they shall hold adjourned courts in each of the said districts whenever the business therein depending may render it necessary; and instead of the time fixed by law for holding the term of the middle district, the said term shall, after this act shall go into operation, commence and be held on the Wednesday next following the end of the second week of the term of the Lancaster district.

SECT. II. *And be it further enacted by the authority aforesaid,* That the Supreme Courts hereby established, shall severally and respectively have, and exercise within the said districts respectively, the same powers, authority and jurisdiction in all cases and respects as are now vested in the Supreme Courts of the eastern, western and middle districts; and as soon as this act shall go into operation, all actions pending and undetermined in the eastern, western or middle districts, appertaining to any of the districts herein established, shall be considered as pending in the Supreme Court of the proper district, and the judges thereof, in all respects, and in like manner, shall proceed to determine the same as though the said actions had originated in the said Supreme Courts respectively, and the prothonotaries of the respective districts hereby established, shall be accountable to the present prothonotaries respectively, and to all others who may have an interest therein, for all fees which shall have accrued upon the several actions in their re-

Two districts added to the Supreme Court, one to be called Lancaster, the other Southern district.

Prothonotaries to be appointed for each.

To take like qualifications, &c.

Judges of the Supreme Court to hold one term annually in each of the said districts.

Term to continue two weeks if necessary, &c.

Court vested with like authority, &c.

Actions pending, to be considered, &c.

New prothonotaries to be accountable for fees, &c.

1809. spective courts, pending prior to this act taking effect, and pay the same over respectively, as they shall receive the same.

Prothonotaries of the eastern, western, and middle district, to make out dockets, &c.

SECT. III. *And be it further enacted by the authority aforesaid,* That the prothonotaries of the eastern, western and middle districts, at least one month previous to the time fixed for this act to go into operation, shall respectively purchase blank books, and employ a clerk under their direction respectively, to make out a docket for each of the districts hereby established, containing a statement of all actions then pending and undetermined in their respective courts, appertaining to the said districts respectively, and shall have the said dockets, together with the records, declarations and other papers respecting all such actions then pending and undetermined as aforesaid, ready to be delivered to the prothonotary of the proper district, and shall deliver the same to such prothonotary, as soon as he shall be afterwards appointed and commissioned, and they shall be respectively paid for the said dockets, and the wages of the clerks employed as aforesaid, by warrants to be drawn by the governor, on the treasurer of this commonwealth.

Judges having decided in any cause, &c. to order the records and decision to be remitted, &c.

SECT. IV. *And be it further enacted by the authority aforesaid,* That as soon as the judges of the Supreme Court of the proper district, shall have finally determined and rendered judgment in any cause, action, matter or thing which shall have been transferred to, or which may be brought therein by appeal, or writ of error, they shall order the records thereof with their decision and determination thereon written, and duly certified to be remitted to the appropriate court of the proper county, which decision, determination or judgment, such court shall duly carry into execution and effect: *And provided also,* That upon the abolition of the Circuit Courts, all the proceedings which otherwise would have been remitted to such courts, shall be remitted to the appropriate court of the county, in which court they shall have originated prior to the removal, to the Circuit Court, and by such county court duly carried into execution and effect.

Proceedings to be remitted, &c.

Judges not to issue writ of certiorari, or habeas corpus, except, &c. All causes, &c. in the Circuit Court, on the 4th of October, to be removed to the appropriate county court, &c.

Circuit Court abolished, &c.

Courts of Nisi Prius, may be holden in the city and county.

SECT. V. *And be it further enacted by the authority aforesaid,* That the judges of the Supreme Court shall not issue any writ of certiorari, or habeas corpus to remove any cause from any county court, the city and county of Philadelphia excepted, and all causes, indictments, or prosecutions in the Circuit Court, of the Supreme Court in any county, which shall remain untried, on the fourth Monday of October next, shall be transferred to the appropriate county court, from which it was removed, there to be tried and determined, and all the pleas, entries and proceedings in each case, and all recognizances of bail shall be, and remain in the state in which they were, and shall have the same force and effect which they would have had in the Circuit Court, and from thence the said Circuit Courts shall be abolished: And all cases of appeal or error in such Circuit Court from any county court then pending, shall be transferred to the Supreme Court of the proper district for final determination therein, and shall be afterwards proceeded in, as is directed in the preceding section of this act: *Provided nevertheless,* The judges may hold courts of Nisi Prius, in, and for the city and county of Philadelphia as heretofore.

SECT. VI. *And be it further enacted by the authority aforesaid,* 1809.
That appeals and writs of error may be had, and may issue to, and from the Supreme Court of the proper district, from, and to the courts of the several counties, and any party appealing or purchasing any writ of error, shall make oath or affirmation to be filed with the record, that the same is not intended for delay, and where the facts in any special verdict may be insufficiently or uncertainly found, the judges may remand the record, and direct another trial, to ascertain the facts, and that every party may have sufficient opportunity to take out a writ of error, no execution shall issue upon any judgment, on any special verdict, demurrer or case stated, unless by leave of the court, in special cases for security of the demand, within three weeks from the day on which such judgment shall be pronounced.

Appeals and writs of error may be had on the applicants filing an oath or affirmation, &c. Where facts in a special verdict, &c.

No execution to issue, &c.

SECT. VII. *And be it further enacted by the authority aforesaid,* Recognizances. &c.
That all recognizances of bail or other surety or security by law required to be entered into, or given for the prosecution of any appeal or writ of error, may be entered into, or taken by, or before any of the judges of the court, from or upon whose judgment or decree the same shall be taken or issued, and shall be duly certified and transmitted with the record, and any suit or suits may be brought upon any such recognizance or bond in the Court of Common Pleas of the proper county or elsewhere, if the defendant or defendants shall not reside in such county, any law or usage to the contrary notwithstanding.

Suits may be brought on such recognizances.

SECT. VIII. *And be it further enacted by the authority aforesaid,* No vacancy to be filled, unless the number be reduced to less than three.
That in case of a vacancy hereafter happening in the office of a judge of the Supreme Court, the governor shall not supply such vacancy, unless the number of judges shall be reduced to fewer than three, in which case he shall commission so many as shall complete that number, and no more.

SECT. IX. *And be it further enacted by the authority aforesaid,* Persons charged with any criminal offence in the mayor's court, may have the cause removed, &c.
That where any person or persons may or shall be indicted, prosecuted or charged with any criminal offence in the mayor's court of the city of Philadelphia, the defendant or defendants, traverser or traversers, in addition to his, her or their right or power to remove the same into the Supreme Court, as heretofore, may forthwith, but not at any after session, of right, demand that such indictment, prosecution or charge with all the records and proceedings, touching the same, be transferred or remitted to the Court of Quarter Sessions of the Peace of the county of Philadelphia, and the same shall be there proceeded in, tried and determined in the same manner, and to all intents and purposes according to law, as if the same had been found, prosecuted or instituted in the said Court of Sessions, any law or usage to the contrary notwithstanding.

SECT. X. *And be it further enacted by the authority aforesaid,* Act, to take effect, 4th Monday in October next.
That this act shall be in full force and effect from and after the fourth Monday of October next, and not before.

SECT. XI. *And be it further enacted by the authority aforesaid,* Parts of other acts repealed.
That so much of the original act, and of any other act or acts as is hereby altered or supplied, and no more, as soon as this act

1809. shall go into operation and not before, shall be, and is hereby repealed.

Passed 11th March, 1809.—Recorded in Law Book No. XI. page 288.

CHAPTER MMMXXXI.

An ACT to regulate the issuing of patents for donation land.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* no patent for a donation tract of land shall issue on any application which may be made after the passing of this act, to any heirs of the officers and privates who died or were slain in the service of the United States, and entitled to receive donation land, under the laws of this commonwealth, except to the widows and children, or either thereof of such officers and privates: *Provided always, That* nothing herein contained, shall in anywise be taken to affirm or impair the rights of any person or persons on applications as aforesaid, heretofore made.

No patents to issue for donation lands, except to the widow or children of a deceased officer or soldier.

Passed 11th March, 1809.—Recorded in Law Book No. XI. page 290.

CHAPTER MMMXXXII.

An ACT to empower Anthony Beelen, Alexander M. Laughlin, and Zachariah d. Tannehill, executors of the last will and testament of William Porter, deceased, to execute a deed of conveyance, or a quarter-lot of ground in the borough of Pittsburgh to George Wallace, and for other purposes therein mentioned.

SECT. 1. [ANTHONY BEELEN, and others, authorized to execute a deed to George Wallace for the fourth part of a lot in the borough of Pittsburgh. No estate to vest in George Wallace, until certain conditions are complied with. Trust estate to cease, and fee-simple vest in the children of William Porter, when they arrive to the age of twenty-one years.]

Passed 11th March, 1809.—Recorded in Law Book No. XI. page 290.

CHAPTER MMMXXXIII.

(Vol. 1, pa. 332.) *A SUPPLEMENT to the act entitled, "An act for the relief of the poor."*

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the overseers of the poor in the respective townships and boroughs within this commonwealth,

Time and mode of appointing overseers of the poor, &c.

1809.

Mode of settling their accounts.

This law not to interfere with any establishment of poor houses.

shall be elected and appointed by the same persons, at the same time, and in the same manner as supervisors of the highways are by law now elected and appointed; and their accounts shall be audited and settled in like manner, by the same persons appointed to settle the accounts of the supervisors of the highways: *Provided*, That no person shall be obliged to serve as overseer of the poor, more than one year in seven: *And provided always*, That nothing in this act shall be construed so as to interfere with, or invalidate the respective laws of this commonwealth, relating to the establishment of the poor-house in the city of Philadelphia, or in any of the counties of the said commonwealth.

Passed 11th March, 1809.—Recorded in Law Book No. XI. page 291.

CHAPTER MMMXXXIV.

A SUPPLEMENT to an act entitled, "*An act to provide a more effectual method of settling the public accounts of the commissioners and treasurers of the respective counties.*" (Vol. 3, pa. 15.)

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the electors qualified to vote for members of the state legislature, shall at their respective general elections within the city of Philadelphia, and the several counties of this state, on the second Tuesday in October, one thousand eight hundred and nine, and annually thereafter, elect three respectable citizens to be auditors of the proper county; and if any auditor or auditors shall die, remove from the county, or decline to serve in said office, the judges of the Court of Quarter Sessions for such county, shall appoint a suitable citizen or citizens to fill the vacancy.

Citizens of the respective counties to elect three auditors for the proper county.

Judges of the quarter sessions to supply vacancies.

SECT. II. *And be it further enacted by the authority aforesaid,* That the auditors of each and every county shall meet on the first Monday of January in every year, and at such other times to which they may adjourn at the commissioners' office, within their respective counties, for the purpose of settling and adjusting the accounts of the preceding year, agreeably to the act to which this is a supplement.

Auditors to meet on the first Monday of January, annually, &c.

SECT. III. *And be it further enacted by the authority aforesaid,* That each of the auditors shall be allowed out of the county stock, the sum of one dollar and thirty-three cents, and no more, for every day's attendance on the duties of his office.

Allowed one dollar thirty-three cents per day.

SECT. IV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the return judges of the several counties of this commonwealth, when met at their respective court houses, to make out a return of the persons elected for auditors, which return shall be by one of the judges deposited with the prothonotary of the proper county, and it shall be the duty of the said prothonotary, to inform the auditors of the time of their meeting annually, at least ten days previous thereto.

Return judges to make out a return of the persons elected, &c.

1809. **SECT. V.** *And be it further enacted by the authority aforesaid,* That so much of any law as is by this act altered or supplied, shall be, and the same is hereby repealed.

Passed 16th March, 1809.—Recorded in Law Book No. XI.

CHAPTER MMMXXXV.

An ACT to incorporate the Farmers' and Mechanics' Bank.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That all those persons who at the time of the passing of this act, are members of the association called "The President and Directors of the Farmers' and Mechanics' Bank, in the city of Philadelphia," and the proprietors of the capital stock thereof, shall be, and they and their successors and assigns are hereby created and made a corporation and body politic, by the name and style of "The Farmers' and Mechanics' Bank," and by the same name shall have continued succession, and shall be able to sue and be sued, implead and be impleaded, in all courts of record and elsewhere, and to purchase, have, hold, receive, possess, enjoy and retain, to them and their successors, lands, tenements, hereditaments, rents, goods, chattels and effects of whatsoever kind, nature or quality, to an amount not exceeding in the whole, one million two hundred and fifty thousand dollars, including the capital stock of said company, except such as may be held by said company in security for debts, and the same from time to time, sell, grant, demise, alien or dispose of; to make and have a common seal, and the same to alter or renew at their pleasure; to make by-laws not contrary to the constitution and laws of the United States, or of this state, and generally to have and be invested with the duties, powers, rights and privileges which by the laws of this commonwealth belong to corporations.

The members and the president and directors of the Farmers' and Mechanics' bank, incorporated.

Their style and title. Privileges and franchises.

Property of the members of the association transferred to the corporation.

And all contracts, &c., to inure as aforesaid.

SECT. II. *And be it further enacted by the authority aforesaid,* That the joint stock, and all the goods, chattels, monies, debts, and other property, real or personal, now belonging or due and payable, or to become due and payable to or held in trust for the said association, shall be, and the same are hereby respectively transferred to, and vested in the corporation hereby created, and all contracts made with the said association or with any person or persons for their use, shall enure and operate to the benefit of, and be performed to and with the said corporation, and the said corporation shall be, and they are hereby made liable to the payment of all monies due or to become due, from and to the performance of all contracts entered into by the said association: *Provided nevertheless,* That nothing herein contained shall in anywise be construed to impair the obligation of any contract at any time entered into by the said association of citizens.

Greatest allowable amount of

SECT. III. *And be it further enacted by the authority aforesaid,* That the capital stock of the said corporation, shall not exceed one

million two hundred and fifty thousand dollars, divided into shares 1809.
 of fifty dollars, and the present capital stock of the company may ^{their capital stock---value of shares.}
 at any time or times be increased to that amount by the sale of
 shares to any person or persons at the discretion of the directors,
 and the profits arising from the sale of such shares shall be for the ^{How shares are to be paid for.}
 benefit of the corporation, and the price of the shares so sold shall
 be paid by the person purchasing in gold or silver, or in bank notes
 equivalent thereto.

SECT. IV. *And be it further enacted by the authority aforesaid,*
 That the following shall be the fundamental articles of the said
 company or corporation hereby created : *that is to say,*

ART. I. The bank shall be kept in the city of Philadelphia, ^{The bank to be kept in the city of Philadelphia, unless, &c.}
 except in cases of contagion, or invasion of an enemy, and
 the affairs of the company shall be conducted by thirteen directors,
 to be chosen annually by the stockholders ; no person shall be a di- ^{Number of directors.}
 rector who is not a stockholder and a citizen of the United States ;
 no director of any other bank shall be at the same time a director of ^{Who shall not be a director.}
 this bank, nor shall the governor, the secretary of the commonwealth,
 any officer in the treasury department, in the offices of accounts, or
 in the land-office, any member of the legislature, or of congress or
 any person holding or exercising any office of trust or profit under
 the United States, be a director of this bank.

ART. II. The election of directors shall be by ballot, and shall ^{When and how directors are to be elected.}
 take place on the last Saturday of January in every year, at such
 place as the directors for the time being shall appoint, notice of ^{Notice to be given.}
 which shall be given fifteen days previous to the election, in at least
 two of the daily newspapers printed in the city of Philadelphia, a
 majority of the directors so chosen shall be farmers, mechanics or
 manufacturers actually employed in their respective professions, to ^{A majority of the directors to be farmers or mechanics.}
 ensure which the seven persons of that description, highest on the
 return of votes shall be considered as chosen, though they have not
 a plurality of votes, which seven with the six other persons, having
 exclusive of them the greatest number of votes shall be deemed and
 declared to be duly elected : the directors so elected shall assemble
 on the Monday succeeding their election, and choose one of their
 number to be president of the said bank : they shall continue in of- ^{President to be chosen.}
 fice one year, and until others be chosen ; if it shall happen that
 an election of directors be not made on the day above prescribed,
 the corporation shall not for that cause be dissolved, but it shall be ^{In case elections are not held on the day appointed, the corporation shall not be dissolved, &c.}
 lawful on any other day to hold and make an election in such man-
 ner as the by-laws and ordinances of the corporation shall prescribe,
 and the directors so chosen shall at their first meeting elect one of
 their number to be president ; in case of the death, resignation, ab-
 sence from the United States, or inability to act of the president or
 of any director, the board of directors shall choose another to sup-
 ply his place.

ART. III. For the well-ordering and conducting of the elections, ^{How vacancies are to be supplied.}
 the directors shall previously thereto appoint three stockholders,
 not being directors, to be judges of the election, who shall conduct
 and regulate the same ; they shall determine whether the persons
 voted for are duly qualified to be elected directors, and do come ^{How the elections shall be conducted.}
 truly and plainly within the provisions of these articles, and after

1809. the conclusion of the ballot shall decide and declare who are elected directors for the ensuing year.

Number of votes to be given by each stockholder, regulated.

ART. IV. The number of votes to which each stockholder shall be entitled, shall be according to the number of shares he shall hold in the proportions following: *that is to say*, For each share not exceeding two shares, one vote; for every two shares, above two, and not exceeding ten shares, one vote; for every four shares above ten, and not exceeding thirty, one vote; for every six shares above thirty, and not exceeding sixty, one vote; for every eight shares above sixty, and not exceeding one hundred, one vote; and for every ten shares above one hundred, one vote; but no person, co-partnership or body politic, shall be entitled to a greater number than thirty votes, and no share shall confer a right of suffrage which shall not have been holden three calendar months previous to the day of election, and unless it be holden by the person in whose name it appears absolutely, and bona fide in his own right, or in that of his wife, and for his or her own sole use and benefit, or as executor or administrator, or in the right and for the use and benefit of some co-partnership, corporation or society, of which he or she may be a member, and not in trust, for or to the use and benefit of any other person; stockholders resident within the United States, may vote by proxy upon such terms and conditions as may be prescribed by the by-laws and ordinances of the corporation.

No share to confer a right of suffrage, unless, &c.

Power to make by-laws.

Bond and sureties of the cashier.

Not to be allowed to carry on any other business but that of the bank.

ART. V. The board of directors shall have power to make by-laws for the regulation and government of the corporation; to appoint a cashier, and all other officers, clerks or other persons necessary for executing the business of the company, and it shall be the duty of said board to take a bond of the cashier, with two or more sufficient sureties to the satisfaction of said board for a sum not less than forty thousand dollars, conditioned for his good behaviour, nor shall he be allowed to carry on any other business either directly or indirectly, than that of the bank, under the penalty of five thousand dollars, and the said board shall take such security for the good behaviour of their other officers, clerks or other persons respectively, as the by-laws shall prescribe, and to establish the compensation to be paid to the president, cashier, other officers and other persons of the company respectively, which together with all other expenses shall be defrayed out of the corporate funds.

Debts of the corporation not to exceed double the amount of their capital.

In case of excess, the directors shall be liable in their private capacities.

ART. VI. The total amount of the debts which the said corporation may at any time owe, whether by bond, bill, note or other contract, shall not exceed double the amount of their capital; in case of excess, the directors under whose administration it shall happen, shall be liable for the same in their natural or private capacities, and an action of debt may in such case, be brought against them, or any of them, or their heirs, executors or administrators, in any court of record in this state or the United States, by any creditor, or creditors of the said corporation, and may be prosecuted to judgment and execution, any condition, covenant or agreement to the contrary notwithstanding; but this shall not be construed to exempt the said corporation, or the lands, tenements, goods, or chattels of the same, from being also liable for, and chargeable with the said excess, such of the said directors who may have been

absent when the said excess was contracted or created, or who may have dissented from the resolution or act whereby the same was so contracted or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact to the stockholders, at a general meeting, which they shall have power to call for that purpose. 1809.

Dissenting directors not made liable.

ART. VII. No director shall be entitled to any emolument unless the same shall have been allowed by the stockholders at a general meeting. The stockholders shall make such compensation to the president for his extraordinary attendance at the bank, as shall appear to them reasonable. Stockholders to allow the emoluments of the directors.

ART. VIII. No director of said bank shall, as drawer or endorser, of any note or notes, bill or bills of exchange, or in any other way be permitted to obtain on loan or discount, out of the said bank, or be indebted thereto at any one time for discount to a greater amount than six thousand dollars, agreeably to the rules for discounting, that may or shall be prescribed by the directors of the said bank. No director to obtain on loan, &c., more than six thousand dollars.

ART. IX. The stated meetings of the directors shall be held at such times as the by-laws shall ordain, and special meetings may be held by particular appointment, or upon the call of the president, a majority of the whole number of directors, of whom the president shall be one, shall form a board or quorum for the transaction of any business; but ordinary discounts may be made by the president and four other directors; in case of sickness or necessary absence of the president, his place may be supplied by any other director whom he may by writing under his hand, nominate for that purpose, or whom the directors present, in case he should not so nominate, may appoint for that purpose. Meetings of the directors regulated. What shall constitute a quorum. Absence of the president how supplied.

ART. X. The board of directors or thirty stockholders being together, proprietors of one thousand shares of stock may at any time call a general meeting of the stockholders for purposes relative to the institution, giving at least thirty days notice thereof, in two of the daily newspapers printed in the city of Philadelphia, and specifying in such notice the object or objects of such meeting. How general meetings may be called.

ART. XI. A general meeting of the stockholders shall be held on the second Monday of January in every year, at which time the directors shall lay before them a general and particular statement of the affairs of the company. An annual general meeting shall be held, &c.

ART. XII. The stock of the company shall be assignable and transferable in such manner as the by-laws shall ordain, but no stockholder indebted to the institution shall be authorized to make a transfer or receive a dividend, till such debt is discharged, or security to the satisfaction of the directors given for the same: *Provided always*, That no stock shall be sold, assigned, or transferred to any person or persons, directly or indirectly, except citizens of this state, of the United States, or one of them, or corporations created by either the laws of the United States, or any one of them; or such foreigner or foreigners who have previously declared as the laws direct, that he or they mean to become a citizen or citizens of the United States. Stock to be transferable, &c., and to whom. No indebted stockholder to receive a dividend until, &c.

ART. XIII. The rate of discount at which loans may be made Rate of discount.

1809. by the said corporation, shall not exceed one half of one per centum for thirty days.

Loans to farmers.

ART. XIV. The company shall make loans to the amount of one tenth part of their capital for a year to the farmers of this state, if applied for, on sufficient security being given by bond, mortgage, or note, or otherwise, at six per cent. per annum.

Dividends to be made at least twice a year, and shall not exceed, &c.

Directors consenting to a greater dividend than the nett profits of the stock amount to, shall be liable.

What shall be construed a consent.

ART. XV. Dividends of so much of the profits of the institution as shall appear advisable to the directors, shall be made and paid to the stockholders at least twice a year, but they shall in no case exceed the amount of the nett profits actually acquired by the company, so that the capital stock shall never be thereby impaired; if the said directors shall knowingly and wilfully make any dividend which shall impair the said capital stock, the directors consenting thereto shall be liable in their individual capacities, to the said company for the amount of the stock so divided; and each director present when such dividend shall be made, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders of the declaring of such dividend.

The corporation to hold lands, tenements, &c.

How much may be expended in buildings.

The corporation shall not deal, trade, buy, sell, &c.

Penalty for so doing.

ART. XVI. It shall be lawful for the said corporation to hold such lands, tenements, and hereditaments only, as shall be requisite for its accommodation in relation to the convenient transaction of its business, and such as shall be bona fide mortgaged to it, or shall be conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments obtained for such debts, not more than fifty thousand dollars shall be expended in procuring ground and erecting suitable buildings for the banking house. The said corporation shall not directly, nor through the agency of any person or persons whatsoever, either in trust or confidence, deal or trade with any profits, stock, money, or effects, in buying or selling any goods, wares, or merchandize whatsoever; and all and every person or persons who shall, contrary to the true intent and meaning of this act, be engaged either as principals or agents in such buying and selling or trading, shall forfeit and pay treble the value of the goods, wares, and merchandize so traded for, one half to the use of the person prosecuting for the same, and the other to the state; but nothing herein shall be so construed as to prevent the said corporation from selling any public stock of which it may be possessed. The said corporation shall not be at liberty to purchase any public stock whatsoever, except their own bank stock, or stock in any of the incorporated companies of this state, for the improvement of roads or internal navigation: *Provided*, the number of shares they shall so purchase, shall not exceed at any one time four thousand five hundred, and the said corporation shall not deal in, or trade in any thing but bills of exchange, gold or silver bullion, or in the sale of goods really and truly pledged for money lent and not redeemed in due time, or goods which may be the produce of its lands.

Their bills obligatory, &c. assignable.

ART. XVII. The bills obligatory and of credit under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such person or persons, and of his, her, or their assignee

or assignees, so as absolutely to transfer and vest the property and legal title thereof in each and every assignee or assignees successively, and to enable such assignee or assignees to bring and maintain an action thereupon in his, her, or their own name or names; and bills or notes which may be issued by order of the said corporation, signed by the president and countersigned by the principal cashier or treasurer thereof, promising the payment of money to any person or persons, his, her, or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same in like manner, and with the like force and effect, as upon any private person or persons, if issued by him, her or them, in his, her, or their private capacity or capacities, and shall be assignable and negotiable in like manner as if they were so issued by such private person or persons, that is to say, those which shall be payable to any person or persons, his, her, or their order, shall be assignable by endorsement, in like manner, and with like effect, as foreign bills of exchange now are; and those which are payable to bearer, shall be negotiable and assignable by delivery only; and all notes or bills at any time discounted by the said corporation, or deposited for collection, and falling due at the said bank shall be, and they are hereby placed on the same footing as foreign bills of exchange, or as bills obligatory, so that the like benefit shall be had in the payment, and the like remedy for the recovery thereof, against the drawer and drawers, endorser and endorsers, and their representatives, and with like effect, except so far as relates to damages, any law, custom, or usage to the contrary in anywise notwithstanding, and the bills and notes of the said corporation, originally made payable, or which shall become payable on demand, shall be receivable in payments from the bank to the state of Pennsylvania: *Provided*, no note shall be issued by said corporation of lower denomination, or for payment of less sum than five dollars.

The bills of the corporation to be received in payment, &c.

No note to be issued for less than five dollars.

75,000 dollars to be passed to the credit of this commonwealth.

Governor authorized to subscribe, &c.

SECT. V. *And be it further enacted by the authority aforesaid*, That there shall be passed to the credit of the commonwealth, on the books of the said corporation, the sum of seventy-five thousand dollars; for which sum of seventy-five thousand dollars, the governor of the commonwealth shall be, and he is hereby authorized to subscribe on the behalf of the commonwealth, one thousand five hundred shares of the stock of said bank, and as soon as the said one thousand five hundred shares shall be so subscribed, the state treasurer shall draw his warrant on the cashier of the said bank, for the said sum of seventy-five thousand dollars, in favour of the said bank, which shall be in full payment to the bank for the shares of stock so subscribed: *Provided always nevertheless*, That if the said bank shall fail, neglect, or refuse to make the payments aforesaid, according to the true intent and meaning of this act, then this act shall become null and void: *And provided also*, That the payment aforesaid shall not be considered as impairing the capital stock of the institution, so far as to preclude the directors from making dividends out of the profits thereof; but the said directors are hereby authorized and required to make such reservations out of the profits of the institution, as will gradually restore the deficiency in the capital occasioned thereby: *Provided further*, That such resto-

Penalty on the bank's neglecting or refusing to make the payments aforesaid.

The said payment not to impair their capital stock.

1809. ration be fully accomplished and completed within five years from and after the passing of this act.

Officers of the association to hold until a new election be had.

Bonds, &c. to the association, to inure to the corporation.

And suits may be brought, &c.

Sureties to be exonerated on giving notice, &c.

Right of the legislature to inspect the books, &c. of the corporation.

Limitation of the charter.

SECT. VI. *And be it further enacted by the authority aforesaid,* That until the next annual election of directors by the stockholders, the persons who at the time of the passing of this act, shall be the president and directors chosen under the articles of association of the said company, shall be the president and directors of the corporation hereby created ; and all the officers heretofore appointed under the said articles of the said association, shall continue to be the officers of the said corporation, until a new appointment shall take place ; and all bonds, obligations, or other securities given to the said association, or to any person or persons in trust for them, or to their use and benefit for the good behaviour of any and every of the said officers, or for the faithful discharge of the duties of their offices* respectively, shall inure and operate to the use and benefit of the said corporation, and shall continue to be as binding and obligatory upon all persons bound thereby, for the use and benefit of the said corporation, as if given to the said corporation after the passing of this law, and suits may be brought upon any of the said bonds, obligations, or other securities, for any breaches of the conditions therein expressed, either before or after the passing of this law in the name and for the use of the said corporation : *Provided,* That if any of the sureties in any of the said bonds, obligations, or other securities shall within three months after the passing of this act, give notice in writing to the board of directors, that he or they are unwilling to remain for a longer time, under the conditions of such bond, obligation, or other security, such surety or sureties shall not be held responsible for any breaches of such conditions thereafter committed.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the legislature may at any time or times hereafter, appoint a joint committee, whose duty it shall be to enquire and examine into the credit and situation of the bank hereby incorporated to ascertain the debts and credits thereof, and whether it is in a flourishing or declining situation, and for which purpose the directors for the time being, shall furnish the necessary information to the committee, and which committee shall have power also if they deem it necessary to demand the personal inspection of all the books of the bank that may tend to elucidate their enquiry, and the committee having performed such duty, shall report to their respective houses the result of such examination.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That this act and the corporation hereby created, shall be and continue until the first day of May, which will be in the year of our Lord one thousand eight hundred and twenty-four : *Provided always,* That for the liquidation and settlement of all the transactions and accounts of the said company, the corporate powers thereof shall be and continue in force until the same shall be fully liquidated and settled.

* "officers" in the original.

SECT. IX. *And be it further enacted by the authority aforesaid,* 1809.
 'That any person or persons who shall print, sign, or pass, or be concerned in the printing, signing, or passing any counterfeit note, or notes, bill, or bills of the Farmers' and Mechanics' Bank, knowing them to be such, or who shall alter or be concerned in the altering of any genuine note or notes, bill or bills, of the said bank, and shall be convicted thereof, shall be sentenced to undergo a confinement in the gaol or penitentiary house of Philadelphia, for any term not less than four, nor more than fifteen years, and shall be kept, treated and dealt with in all respects as is prescribed by the act entitled "An act to reform the penal laws of this state," passed the fifth day of April in the year of our Lord one thousand seven hundred and ninety, and also to pay a fine not exceeding one thousand dollars.

Penalty on counterfeiting, &c. notes of this bank.

Passed 16th March, 1809.—Recorded in Law Book No. XI. page 292.

CHAPTER MMMXXXVI.

An ACT to prohibit the distilling and boiling of Turpentine and Oil, and the manufacturing of Varnish, within the city of Philadelphia and its neighbourhood.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the first day of May next, no person shall distil or boil any turpentine or oil, or manufacture or boil any varnish in any house, shop, cellar or other place to the eastward of Tenth-street, in the city of Philadelphia, or within the district of Southwark, or within that part of the township of Moyamensing, situate between South-street, Seventh-street, and the Passyunk road, or within the incorporated limits of the Northern Liberties, and including the village called Spring-garden, unless the said distilling, boiling or manufacturing be carried on in an open place at least thirty feet distance from any building, vessel of commerce or other property which might be injured thereby, or in a completely fire proof building, the sufficiency of which fire proof shall be determined and agreed upon by at least five respectable master brick-layers of the said city, who shall certify the same under their hands, under the penalty of forfeiting the whole quantity of the articles so distilled, boiled or manufactured, together with the sum of two hundred dollars for every such offence.

No person to boil any oil or turpentine within certain limits.

Penalty.

SECT. II. *And be it further enacted by the authority aforesaid,* That any alderman of the said city, or any Justice of the Peace in the district of Southwark, the township of the Northern Liberties, or the township of Moyamensing aforesaid, respectively on information lodged and demand made by any person shewing a reasonable cause on oath or affirmation, shall issue his warrant under his hand and seal, empowering any constable of the said city or district or proper township, to search any house, shop, cellar or other place within the limits aforesaid, where the said articles are alleged

Search authorized to be made for offenders against this act.

1809. to be distilled, boiled or manufactured, and the said constable upon finding such distillery, boiling of oil or manufacture to be then going on, may seize and remove the said articles therefrom within the space of twenty-four hours, to some safe and convenient place, and therein detain the same until it be determined in the proper court whether the same be forfeited or not, by virtue of this act.

The forfeitures incurred, how disposed of.

SECT. III. *And be it further enacted by the authority aforesaid,* That the penalties and forfeitures mentioned in this act may be recovered as debts of equal amount are by law recoverable, with costs of suit, the one moiety of which penalties and forfeitures shall go to the guardians of the poor of the city of Philadelphia, the district of Southwark, and the township of the Northern Liberties, or to the overseers of the poor of the township of Moyamensing respectively, accordingly as the said seizure was made within the said city or district, or either of the townships aforesaid, and the other moiety to the informer or prosecutor who shall sue for the same.

This act may be pleaded in any suit had in consequence of any proceedings under it.

Defendant to recover treble costs.

SECT. IV. *And be it further enacted by the authority aforesaid,* That if any suit or action be commenced and prosecuted against any person or persons for any thing done in pursuance of this act, every such person or persons may plead the general issue, and give this act and the special matter in evidence, and if a verdict shall pass for the defendant or the plaintiff become non-suit or discontinue his action, or if on demurrer or otherwise judgment shall be given against the plaintiff, the defendant shall recover treble costs.

Passed 16th March, 1809.—Recorded in Law Book No. XI. page 299.

CHAPTER MMMXXXVIII.

An ACT concerning libels.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act no person shall be subject to prosecution by indictment in any of the courts of this commonwealth, for the publication of papers examining the proceedings of the legislature or any branch of government, or for investigating the official conduct of officers or men in public capacity.

No person to be prosecuted by indictment for examining and publishing the conduct of certain officers.

The truth to be given in evidence in all actions or criminal prosecutions for a libel.

SECT. II. *And be it further enacted by the authority aforesaid,* That in all actions or criminal prosecutions of a libel, the defendant may plead the truth thereof in justification or give the same in evidence, and if any prosecution by indictment, or any action be instituted against any person or persons contrary to the true intent and meaning of this act, the defendant or defendants in such action or indictment may plead this act in bar, or give the same in evidence on the plea of not guilty: *Provided,* That this act shall be and continue in force for the term of three years, and from thence to the end of the next session of the legislature.

Passed 16th March, 1809.—Recorded in Law Book No. XI. page 300.

CHAPTER MMMXXXIX.

1809.

An ACT to enable the Governor to incorporate a company for the purpose of making an artificial road from the Philadelphia and Lancaster Turnpike Road, between the twenty-third mile-stone and the Admiral Warren Tavern, to the point where the Reading road intersects the Morgantown road, to the west of Jones' Tavern in Berks county.

SECT. 1. [COMMISSIONERS appointed. Books to be procured. Terms of subscription, prescribed. How and when notice is to be given of the books being open. Three of the commissioners to attend. Commissioners may adjourn from time to time until the necessary number of shares shall be subscribed for. Notice of the adjournment to be given. Every person offering to subscribe, to pay five dollars. How to be appropriated. 2. When one hundred and fifty shares or more are subscribed, the commissioners may certify, &c. Whereupon the governor shall create and erect the subscribers, &c. into one body politic and corporate, by the style and title of "The Little Conestoga Turnpike Company," with the usual corporate powers and privileges. Notice to be given of the time and place appointed for the organization of the company. Officers to be chosen, and their continuation in office prescribed. And the number of votes to be given by each stockholder regulated. 4. Company to meet on the second Monday of November annually, &c. Power to make, alter, or repeal by-laws. 5. How shares of stock are to be certified; which shall be transferable. 6. Seven members shall form a quorum. Minutes to be kept. The appointment of surveyors, engineers, &c. regulated and prescribed. 7. Penalty on neglecting or refusing to pay dividends. 8. The commencement and direction of the road, declared. President, &c. to have the privilege of passing over adjacent grounds, and to make amends for any damage they may do thereto. Damages to be appraised by freeholders, if they cannot agree, &c. 9. Width of the road declared, and of what materials composed. Not to rise or fall more than will form an angle of four and an half degrees. Company may erect bridges. 10. Governor to appoint inspectors, and if they shall report the road to be complete, license to erect gates to be granted. 11. Company to appoint toll gatherers, and the rates of toll prescribed. *Provided always, That no toll shall be demanded or taken from any person or persons passing from one part of his or her farm to another, or going to or from a funeral or place of worship, or any militia man on days of training, going to or from the place of training.]*

SECT. XII. *And be it further enacted by the authority aforesaid,* Persons of lending against this act, how punished. That if any person or persons owning, riding in or driving any carriage of burden or pleasure as aforesaid, or owning, riding, leading or driving any horse, mule, hogs, sheep or cattle as aforesaid, shall with an intent to defraud the said company, or to evade the payment of any of the tolls or duties aforesaid, pass therewith through any private gate or bar, or along or over any private passage way, or along or over any other ground or land near to or adjoining any turnpike or gate which shall be erected in pursuance of this act. or

1809. if any person or persons shall with the intent aforesaid take off, or cause to be taken off, any horse or other beast, or cattle of draught or burden, from any carriage of burden or pleasure, or shall practise any other fraudulent means or device, with the intent to evade or lessen the payment of any such toll or duty, all and every such person or persons offending in manner aforesaid, shall for every such offence respectively, forfeit and pay to the president, managers and company of the Little Conestoga Turnpike Road, any sum not exceeding ten dollars, to be sued for and recovered with costs of suit before any Justice of the Peace in like manner and subject to the same rules and regulations, as debts of equal amount may be sued for and recovered.

How the had repair of the road is to be ascertained.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That if the said company shall neglect to keep the said road in good order and repair, for the space of fifteen days, and information thereof shall be given to any Justice of the Peace of the proper county, such justice shall issue a precept to be directed to any constable, commanding him to summon three judicious freeholders to meet at a certain time in the said precept to be mentioned, at the place in the said road which is complained of; of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto, and the said justice shall at such time and place by the oaths or affirmations of the said freeholders, enquire whether the said road or any part thereof is in such good order and repair as aforesaid; and shall cause an inquisition to be made under the hands and seals of himself and a majority of the said freeholders; and if the said road shall be found by the said inquisition to be out of order and repair according to the true intent and meaning of this act, he shall so certify and send one copy of the said inquisition to each of the keepers of the turnpikes or gates between which such defective place shall be in, and from thenceforth the tolls thereby granted to be collected at such turnpikes or gates for the intermediate distance between them shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put into good order and repair as aforesaid, and if any of the keepers of the gates aforesaid, shall take or attempt to exact tolls for the intermediate distance between the gates aforesaid, from any traveller during the time the road shall continue out of repair, such keeper shall forfeit and pay to the person who shall prosecute for the same, the sum of five dollars, to be recovered before any Justice of the Peace, as debts of equal amount are by law recoverable, but if the same road shall not be put into good order and repair before the next ensuing Court of Quarter Sessions of the proper county, the said justice shall certify and send a copy of the said inquisition to the justices of the said court, and the said court shall thereupon cause process to issue and bring in the bodies of the person or persons entrusted by the company with the care and superintendence of such part of the said road as shall be found defective as aforesaid, and shall direct a bill of indictment to be sent to the grand inquest against the person or persons entrusted as aforesaid, and upon conviction, shall give such judgment according to the nature and aggravation of the neglect as the said court in their discretion shall judge proper: *Provided, The*

No toll to be collected until the deficient parts of the road are repaired.

Penalty on the gate-keeper for receiving toll when the road is out of repair.

How to be recovered.

fine in no instance shall be less than twenty dollars, nor exceeding one hundred dollars, and the fines so to be imposed shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said county, and shall be paid to the supervisors of the highways of the township wherein the offence was committed, to be applied to repairing such highways as the township or county is bound to repair at the public expense thereof.

SECT. 14. [The president, &c. to keep fair and regular accounts, &c. Which shall be submitted to a general meeting of the stockholders. If the capital stock be not sufficient, the president, &c. may increase the number of shares. And shall have like power as in the case of original subscriptions. 15. Number of gates to be erected. Dividend to be declared, and published. 16. Accounts of the company to be submitted to the general assembly ; and if the profits shall not be equal to six per cent. after two years the tolls may be raised so as to afford a dividend of six per cent. And in case the dividends exceed nine per cent. the surplus is to be employed to purchase the stock, and when all the shares are purchased, no further tolls to be collected. 17. Mile-stones to be erected, and direction boards and rates of toll affixed.]

SECT. XVIII. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully break, deface, pull up, or prostrate any mile-stone which shall be placed in pursuance of this act, on the side of the said road, or shall obliterate the letters or figures inscribed thereon, or destroy, deface, or obliterate the letters, figures, or other characters marked at any turnpike or gate which shall be erected in pursuance of this act, for all or any of the purposes therein mentioned, or the whole or any part of any printed list of the rates of tolls which shall be affixed in pursuance of the directions of this act, at any such gate or turnpike, he or they so offending in the premises shall, and each of them shall for every such offence, severally and respectively forfeit and pay to the said president, managers and company, the sum of twenty dollars, to be sued for and recovered with costs of suit before any Justice of the Peace, in manner aforesaid.

Penalty for breaking or defacing them.

SECT. XIX. *And be it further enacted by the authority aforesaid,* That all waggoners, carters, and drivers of carriages of all kinds, whether of burden or pleasure, using the said road shall, except when overtaking and passing by a carriage of slower draught, keep their horses and carriages on the right hand side of the said road in the passing direction, leaving the other side of the said road free and clear for the other carriages to pass and repass ; and if any waggoner, carter or driver shall offend against this provision, he shall forfeit and pay any sum not exceeding six dollars, to any person who shall by reason thereof, be obstructed in his passage, and will sue for the same before any Justice of the Peace, to be recovered with costs in like manner as aforesaid.

Drivers to keep the right hand side of the road.

Penalty, in case they disobey.

SECT. XX. *And be it further enacted by the authority aforesaid,* That if any toll-gatherer on the said road shall demand and receive from any person or persons using the said road, any greater or higher rate of toll than by this act is authorized and allowed, such toll-gatherer shall forfeit and pay the sum of twenty dollars for

Penalty on toll-gatherers exacting illegal tolls.

1809. every such offence, one half to the use of the poor of the township or county in which the forfeiture shall be incurred, and the other half to the use of the person suing for the same, to be recovered before any Justice of the Peace of the county where such offence shall have been committed.

How recovered.

Penalty in case of a vexatious prosecution.

SECT. XXI. *And be it further enacted by the authority aforesaid,* That if in the case of any suit or prosecution, which shall be commenced under the directions of this act for any penalty incurred under the same, whether by or against the said company, their officers or agents, the said suit or prosecution shall not be sustained by the plaintiff or prosecutor, then and in such case, the person or persons prosecuted as aforesaid, shall recover by the judgment of the justice before whom such suit or prosecution shall be depending, or by action before the Court of the Common Pleas of the proper county, (if such prosecution had been instituted before the Court of General Quarter Sessions of the Peace) such sum not exceeding the amount of the penalty for which the suit or prosecution shall be commenced, as shall be deemed a reasonable retribution for the vexation of such suit or prosecution.

No actions to be brought for offences against this act, after six months subsequent to the cause of action.

SECT. XXII. *And be it further enacted by the authority aforesaid,* That no suit or action shall be brought or prosecuted by any person or persons for any penalties incurred under this act, unless such suit or action shall be commenced within six months next after the fact committed; and the defendant or defendants in such suit or action, may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

SECT. 23. [Powers hereby granted to the company, to be resumed in case they do not begin and complete the road within a given time. 24. Legislature may take possession of the road by purchasing the stock of the company, and how the value of it is to be ascertained. Interest of the company then to cease and determine.]

Passed 16th March, 1809.—Recorded in Law Book No. XI. page 301.

CHAPTER MMMXL.

An ACT to incorporate the Marine Insurance Company of Philadelphia.

SECT. 1. [MARINE insurance company of Philadelphia, incorporated by the style and title of "The Marine Insurance Company of Philadelphia," with the usual corporate powers. Yearly income of real estate not to exceed six thousand dollars. Common seal may be altered and renewed at pleasure. 2. Joint stock, &c. transferred to the corporation. All obligations of the association binding upon the corporated body. 3. Capital, three hundred thousand dollars, divided into three thousand shares of one hundred dollars each. To be transferable. Balance if due on shares to be paid at such times and proportions as the directors shall determine. Previous payments and right forfeited by neglect. Shares assignable and transferable

by established rules. Capital may be vested in public securities or bank stock, or may be loaned to the state in any sum not exceeding fifty thousand dollars. Transfers to be taken in the name of the company. Authority given to dispose of, or transfer public securities, &c. and to vest the same in other securities, &c. Thirteen directors to be chosen by ballot, annually, on the third Monday in January. Present directors to continue until an election be held. Directors to be chosen by plurality of votes. Stockholders to be citizens of this state; no one entitled to more than fifty votes. General meeting to be holden annually on the second Monday of January. Provision for calling other general meetings. Authorized to make rules and regulations, &c. Directors to be citizens and residents in Pennsylvania, &c. The president and directors shall have full power and authority in the name and on behalf of the company, to make all kinds of marine insurance, all kinds of insurance upon the inland transportation of goods, wares, and merchandises, all kinds of insurance against fire in town or country in this state, or in any other of the United States, and insurances upon a life or lives, and they may also lend money upon bottomry and respondentia, and generally to do, transact, and perform all matters and things relating to the said objects, subject always to the regulations and restrictions herein contained, and to such regulations and restrictions as the stockholders shall from time to time devise and prescribe. Policies, &c. to be subscribed by the president; losses paid by the president and directors. Permanent rules for transacting business prescribed. Stated meetings to be held once a fortnight. Five directors to constitute a quorum, &c. Time when dividends shall be declared, prescribed. If capital diminished by losses, no dividend to be made, till the same is repaired. Act to continue until the first of January, one thousand eight hundred and twenty-seven. 4. One per cent. to be paid to the state, when dividends amount to more than nine per cent. But not until the expiration of the charters of the other insurance companies expire. Nor unless the same tax shall be attached to other insurance companies that may be incorporated. 5. This act to continue until the first of January, one thousand eight hundred and twenty-seven, &c. but may be resumed at any time by the legislature.]

Passed 17th March, 1809.—Recorded in Law Book No. XI. page 309.

CHAPTER MMMXLIII.

A SUPPLEMENT to an act, entitled "*An act to enable the Governor to incorporate a company to make an artificial road by the best and nearest route, from the town of Hanover, in the county of York, to the Maryland line, at or near the place the turnpike from Baltimore to the state line towards Hanover will strike the same.*" [Vol. 4, p. 491.]

SECT. 1. [TURNPIKE company empowered to extend the turnpike road through Hanover to Robert Owens' house. Author-
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1809. ized to take similar tolls on that new extended road as on the former road in proportion to the distance.]

Passed 17th March, 1809.—Recorded in Law Book No. XI. page 317.

CHAPTER MMMXLIV.

An ACT to authorize and direct the governor to incorporate a company for erecting a permanent bridge over the river Schuylkill, opposite the Flat-rock in the county of Philadelphia.

SECT. 1. [COMMISSIONERS appointed to open books to receive subscriptions. Notice to be given of the times and places for receiving subscriptions. Commissioners may adjourn from time to time until two hundred shares shall have been subscribed. Five dollars to be paid on each share at the time of subscribing. Incidental expenses to be paid. 2. Company to be incorporated when the whole number of shares are subscribed, by the name of "The Managers and Company for erecting a Permanent Bridge over the river Schuylkill, at the Flat-rock," with the powers incident to a corporation. Stock may be enlarged by new subscriptions. 3. The six persons first named in the patent to give one month's notice of the time of organizing the company. Majority to choose a president, six managers, treasurer, and other officers, and authorized to make by-laws. No person to have more than five votes. 4. Times of meetings of the stockholders prescribed. Certificate to be given to every person for every share, &c. Certificate to be transferable in a particular way. 6. Five members of the board to constitute a quorum. They shall have power to appoint engineers, &c. Fix salaries, wages, &c. 7. Penalty on neglecting to pay proportion of the dividends of capital stock. In what cases shares to be forfeited. 8. Fair and just accounts to be kept by the managers, &c. If the capital be found inadequate it may be increased. If there be a surplus of capital to be employed in the improvement of roads. 9. Property of the bridge when completed, to be vested in the company for twenty years. Rate of tolls to be demanded, &c. Persons attending funerals, and military processions, and militia, &c. exempted from tolls. 10. The excess of tolls above nine per cent. to be applied to the improvement of roads for twenty years; at the end of which term the excess to be applied to purchasing of shares; and when all shares are purchased in, the bridge to become free. 11. Penalty for demanding unlawful tolls. 12. Accounts of tolls to be kept; and managers to publish the dividends on the first Mondays in January and July. 13. Statement of the accounts to be laid triennially before the legislature. The work to be commenced within two, and be completed within five years, or the rights granted by this act forfeited.]

Penalty for
injuring in
any manner,
the works.

SECT. XV. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully pull down, break, or destroy with intent to injure any part or parts of the said bridge, or any toll house, gates, bars, or other property of the said corporation,

1809.

appurtenant to, or erected for the use and convenience of said bridge, or the person employed in conducting the business thereof, or shall wilfully, and without the consent and orders of said corporation, or any person or persons authorized by them, deface or destroy the letters or figures, or other characters in any written or printed list of the rates or tolls affixed in any place or places for the information of passengers and others, or who shall wilfully and maliciously obstruct or impede the passage on, or over the said bridge, or any part or parts thereof, he, she, or they so offending, shall each of them forfeit and pay for every such offence, to said corporation, the sum of twenty dollars, to be recovered on conviction before any justice of the peace, as debts of like amount are recoverable; but no suit shall be brought unless commenced within thirty days after such offence shall have been committed; and he, she, or they so offending, shall remain liable to actions at the suit of said corporation, for such wrongs, if the said sum or sums herein mentioned, be not sufficient to repair and satisfy said damages: *Provided always*, That the suit last herein mentioned, shall be brought within thirty days after such conviction had before any justice of the peace as aforesaid, and not otherwise.

In what manner penalties to be recovered.

No suit to be brought after thirty days.

Passed 22d March, 1809.—Recorded in Law Book No. XI. page 317.

CHAPTER MMMXLV.

An ACT granting an annuity to John M'Dowel.

SECT. 1. [FORTY dollars granted to John M'Dowel, and an annuity of forty dollars, payable half yearly to Alexander M'Clean for the use of the said M'Dowel, to be accounted for to the Orphans' Court.]

Passed 22d March, 1809.—Recorded in Law Book No. XI. page 323.

CHAPTER MMMXLVI.

An ACT to authorize the governor to appoint commissioners for the purpose of laying out a road from the Strasburgh road, near John G. Parke's house, in Chester county, by M'Call's ferry, on the Susquehanna to the Maryland line, in a direction to the city of Washington; and also a road from the intersection of Marlborough-street and Newport road, to intersect the above road at or near M'Call's ferry aforesaid.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor be, and he is hereby authorized to appoint three commissioners, to lay out and mark a road beginning at the Strasburgh road near John G. Parke's house, in the county of Chester, the nearest and best route to M'Call's ferry, on the Susquehanna, and*

Three commissioners to be appointed to lay out a state road.

1809. from thence to the Maryland line, in a direction towards the city of Washington ; and also to mark and lay out a state road to begin at the intersection of the Marlborough-street and Newport roads, in the township of West-Marlborough, Chester county, and from thence the nearest and best route, so as to intersect the above road at or near M'Call's ferry aforesaid ; and the said commissioners shall proceed to perform the said service at such time as the governor shall direct, and deposit a draught of the said roads in the office of the clerk of the Quarter Sessions of the respective counties of Chester, Lancaster, and York, which shall be a record of said roads, and from thenceforth shall be to all intents and purposes, public highways, and shall be opened and kept in repair, as other roads laid out by order of the Court of Quarter Sessions are in said counties.

SECT. 2. [Allowance of commissioners, &c.]

Passed 22d March, 1809.—Recorded in Law Book No. XI. page 323.

CHAPTER MMMXLVIII.

An ACT laying a tax on Dogs in certain Counties, and for other purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* it shall be the duty of the commissioners of the city and county of Philadelphia, and of the counties of Bucks, Chester, Montgomery and Delaware, and they are hereby required to cause an accurate return to be taken annually by the assessors of the several townships, wards or districts within their respective counties, of all dogs upwards of one month of age, owned or possessed by any person or persons within their respective townships, wards or districts, particularly noting the number owned or possessed by each person and kept about any one house ; and when the said commissioners shall have so ascertained the number of dogs aforesaid, they shall levy and cause to be collected annually from every person or persons owning and possessing one dog, twenty-five cents, and for every second dog kept about the same house, one dollar ; and for every additional dog, two dollars, by the collectors of the several townships, wards or districts, at the same time and in the same manner the county rates and levies are collected, for which the said collector shall be allowed five per centum out of the money so collected. And it shall be the duty of the county treasurers to keep separate accounts of the money arising from the tax on dogs, and the said money shall be and hereby is appropriated as a fund for remunerating the inhabitants of the said counties respectively, for any loss they shall sustain after the passing of this act, by sheep being destroyed by a dog or dogs, except the tax arising by this act within the city of Philadelphia, the township of the Northern Liberties and the district of Southwark, which shall be paid by the collectors to the treasurer of the guardians of the poor, and by them appropriated for the support of the poor of the said city, township and district.

Commissioners of certain counties to cause return to be made to them by the township assessors, &c.

Tax to be levied annually upon all persons owning dogs.

To be collected by the township collectors ; five per cent. allowed for their trouble.

County treasurer to keep a separate account of the tax, &c.

To be appropriated to, &c.

SECT. II. *And be it further enacted by the authority aforesaid,* 1869.

That when any inhabitant of the counties aforesaid shall have had any sheep destroyed by a dog or dogs, he or she may apply to the appraisers appointed by this act, and they or any two of them are hereby authorized and required to view and ascertain the damage sustained by the owner of such sheep destroyed as aforesaid, and when they shall have ascertained the legality of the claim and the damages so sustained, they or any two of them shall certify the same under their hands and seals to the commissioners of the county, who shall draw their warrant on the treasurer of the county for the amount so certified to be paid out of the fund arising from the tax on dogs; but if there shall not be sufficient money in the treasury belonging to the said fund, then the said warrant shall be kept by the person in whose favour it shall have been drawn, and be paid out of the first money that shall come into the treasury belonging to said fund.

In the city Northern Liberties and Southwark, tax to be for the support of the poor.

Damages to be appraised, &c.

SECT. III. *And be it further enacted by the authority aforesaid,* That the persons elected to audit and settle the accounts of the supervisors of the highways in the several townships, wards and districts, shall be, and they are hereby appointed appraisers of the damage done by dogs within their respective townships, wards or districts, and shall have full power and authority to examine any person that shall appear before them, respecting the premises upon oath or affirmation, to be by them administered.

Auditors of the township accounts to be appraisers, &c.

SECT. IV. *And be it further enacted by the authority aforesaid,* That every dog kept or staying about any house shall be deemed sufficient evidence of ownership to authorize the assessor to return the person inhabiting said house as the owner or possessor of such dog, and any person sending his or her dog from house to house, or from place to place in order to evade the said tax, shall be liable to pay double tax therefor, and every dog not returned shall be deemed to have no owner, and may be lawfully killed by any person seeing him running at large.

Dog staying about any house, sufficient evidence of ownership, &c.

SECT. V. *And be it further enacted by the authority aforesaid,* That if any dog shall be seen worrying sheep, it shall be lawful for any person seeing the same to kill such dog, or if any dog shall have been known to worry sheep, and information thereof be given to the owner of such dog, if he does not kill or cause him to be killed, he shall make full compensation for all damage done by said dog, and any person seeing said dog running at large, may lawfully kill him.

Penalty on attempting to evade the tax.

Any dog not returned, may be killed, &c.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the surplus money remaining in the treasury of the aforesaid counties on the first day of May annually (after deducting what may probably be wanted before another tax can be collected) arising from the tax on dogs, shall be applied by the commissioners of said counties in purchasing a number of Marino rams and ewes of the full blood, which shall be placed by them in the most convenient places in the said county for the benefit of the farmers; and every farmer shall have liberty to send three ewes to some one ram in said county to continue with him for one week free of expense, except a reasonable compensation for pasturage. The ewes of the full blood

Dog detected in worrying sheep, may be killed, owner refusing to make compensation for damage done by his dog, &c.

Surplus fund after paying damages, &c. to be appropriated, &c. Rams to be placed in dif-

1809.

ferent parts
of the coun-
ties, &c.

Rams when
sold, farmers
in the coun-
ty have
preference
of other pur-
chasers.

Provision
for introdu-
cing other
approved
breed of
sheep or
cattle.

Provision re-
lating to a
law passed
for Dela-
ware county,
of April 10,
1807.

shall be kept with some ram of the same full blood, and the male product thereof shall be placed at one year old in some other convenient place in the county for the benefit of the farmers aforesaid; and the female product to be kept with the ram of the full blood in order to increase the stock and keep the blood pure. And whenever the commissioners of any county shall be of opinion that such breed of sheep shall have so increased as to render it proper to dispose of any part thereof, they may sell so many of them as they shall think proper, for the best price that can be obtained for the same, (always giving the farmers of their respective counties the preference;) and the product arising from such sales, together with the surplus funds arising from the tax on dogs, shall be applied in procuring some other approved breed of sheep, to be placed in their respective counties in manner aforesaid; or for the importation from Europe or elsewhere, the most approved breed of cattle to be placed in their respective counties for the benefit of the farmers, in the same manner as is provided for sheep.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the return of the number of dogs taken in the county of Delaware, under an act passed the tenth day of April, one thousand eight hundred and seven, entitled "An act authorizing the commissioners of Delaware county to lay a tax on dogs," shall be as valid to all intents and purposes as if taken under the provisions of this act, and the said recited act is hereby repealed and made void.

Passed 23d March, 1809.—Recorded in Law Book No. XI. page 325.

CHAPTER MMML.

[Vol. 4, pa.
50.]

A SUPPLEMENT to the act, entitled "An act for the consolidation and amendment of the laws as far as they respect the poor of the city of Philadelphia, the district of Southwark, and the township of the Northern Liberties," passed the twenty-ninth day of March, one thousand eight hundred and three.

WHEREAS the city of Philadelphia, the Northern Liberties, and the district of Southwark, are united in the maintenance of their poor: And whereas the choice of the portion of guardians for the city is vested in the Select and Common Councils, the portion of the Northern Liberties in the justices of the peace, and of the portion of the district of Southwark in the commissioners of said district. And whereas one uniform mode of choosing the guardians aforesaid would be desirable: Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners of the Northern Liberties be, and they hereby are authorized and directed, to choose their portion of the guardians aforesaid, at the town-house in the Northern Liberties aforesaid, at the same time the select and common councils of the city of Philadelphia, and the commissioners of the district of Southwark, are di-

Commission-
ers of the
Northern
Liberties to
choose guar-
dians of the
poor at the
town house,
&c.

rected by the law to which this is a supplement, to choose their portion of the guardians aforesaid, and subject to the same rules that the select and common councils, and the commissioners aforesaid are subjected in the choice of guardians as aforesaid. 1809.

SECT. II. *And be it further enacted by the authority aforesaid.* That so much of the act to which this is a supplement as is by this act altered and supplied, be, and the same is hereby repealed. Repeal of parts of former acts.

Passed 24th March, 1809.—Recorded in Law Book No. XI. page 327.

CHAPTER MMMLI.

An ACT granting certain privileges to Jonathan Grout.

WHEREAS Jonathan Grout has erected a line of telegraphs from Philadelphia to Port Penn, in the state of Delaware, for the purpose of transmitting the earliest possible intelligence from the Delaware Bay to Philadelphia, and vice versa, and has petitioned this legislature, stating that the south half of Reedy Island at the head of the Delaware Bay in said state, owned by this commonwealth, is so situated that if a telegraph were erected thereon, its position would ensure an earlier conveyance of intelligence through such line than could be effected from any other place in that vicinity, that it will conduce to the extension of such line to the Capes of the Delaware Bay, which is laudable and promotive of public good : Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the use of all that part of Reedy Island, the property of this commonwealth, be, and hereby is granted unto Jonathan Grout, his heirs and assigns, being citizens of the United States, as a telegraphic station until otherwise directed by law. Grant of part of Reedy Isl. and to Jonathan Grout, during the pleasure of the legislature.

Passed 24th March, 1809.—Recorded in Law Book No. XI. page 327.

CHAPTER MMMLII.

An ACT authorizing a Loan of Money from the State to William M'Dermett.

SECT. 1. [LOAN of three thousand dollars to William M'Dermett, on giving security and confession of judgment for the repayment thereof in five years.]

Passed 24th March, 1809.—Recorded in Law Book No. XI. page 327.

CHAPTER MMMLIII.

An ACT to incorporate the President and Directors of the Water Pipes in Aaronsburg.

SECT. 1. [INHABITANTS of Aaronsburg to elect five citizens to be directors of the water-pipes of said town annually, on

1809. the first Saturday of June. Judges of the election to be appointed, and to give notice to the persons elected. Directors to appoint officers. Penalty on those refusing to serve. Vacancies to be supplied by an election. By the name of "The President and Directors of the Water Pipes of Aaronsburg," the directors are made a body politic and corporate. May make by-laws, and enforce them by fines and penalties. Mode of recovery. By-laws to be published. Proceedings generally to be entered into a book open to inspection. 2. Duties of the board prescribed. Water pipes to be kept in good repair. Privileges granted to inhabitants in certain cases. 3. Fines, &c. to be applied to meet expenses. Property may be taxed, not exceeding one cent in the dollar upon the valuation. Property to be liable for taxes, but agreements between landlord and tenant not to be affected. 4. Exhibits of accounts to be made annually to the inhabitants. If the conduct of the officers and their accounts be approved, to be so entered upon the books, if not, persons aggrieved may appeal to the proper court for redress. Decision of the court to be conclusive. 5. Non-user not to be a forfeiture, but the legislature may repeal this act.]

Passed 25th March, 1809.—Recorded in Law Book No. XI. page 328.

CHAPTER MMMLIV.

An ACT to enable the governor to incorporate a company to make an artificial road from the town of Hanover, in the county of York to the borough of Carlisle.

SECT. 1. [COMMISSIONERS appointed to open books and receive subscriptions. Shares one hundred dollars each. Notice to be given of the time and place of opening the books. Books to be kept open until the whole number of shares shall have been subscribed. Five dollars to be paid on each share at the time of subscribing. 2. One thousand shares being subscribed, the company to be incorporated by the name of "The President, Managers and Company of the Hanover and Carlisle Turnpike Road," with the usual corporate powers. The stock may be increased if necessary. 3. Notice to be given of the time and place of meeting to organize the company. Majority to choose a president, twelve managers, treasurer and other officers. Empowered to make by-laws. To have the like powers, privileges, &c. as the Susquehanna and Yorktown turnpike company. Work to be commenced within three, and completed within seven years, or the charter to be forfeited.]

Passed 25th March, 1809.—Recorded in Law Book No. XI. page 330.

CHAPTER MMMLVI.

A SUPPLEMENT to the act, entitled "An act for extending the width of Wharf-street, and regulating the wharves in the district of Southwark."

WHEREAS it has been represented to the legislature by the proprietors and representatives of the greater part of the water lots

within the district of Southwark, that the act entitled “ An act for extending the width of Wharf-street, and regulating the wharves in the district of Southwark,” has tended much to discourage and prevent the improvement of their estates, because several of the provisions thereof, if carried into operation, instead of preserving the depth of water in the docks will hasten their filling up : Therefore, in order to remove the difficulties complained of, and to promote the improvement of the said district,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That all and every person or persons desirous of improving their water lots within the district of Southwark be, and they are hereby authorized and empowered, after submitting their plan or plans of improvement to the board of wardens of the port of Philadelphia, which being by them approved, but not otherwise, to extend their piers, with or without thorough fares, to the distance of one hundred and twenty-five feet from the east side of Wharf-street, as regulated by the act to which this is a supplement, into the river Delaware.

Plan for improving water lots in Southwark, first to be submitted to the board of wardens.

SECT. II. *And be it further enacted by the authority aforesaid,* That any person or persons who shall erect, or cause to be erected any pier or piers in the district aforesaid, in any other manner or way than is hereby authorized and directed ; on conviction thereof before any proper tribunal, shall forfeit and pay to the commissioners and inhabitants of the said district, the sum of one thousand dollars, to be by them appropriated to the improvement of the said district.

Penalty of one thousand dollars for violating the provisions of this act.

SECT. III. *And be it further enacted by the authority aforesaid,* That so much of the act entitled “ An act for extending the width of Wharf-street, and regulating the wharves in the district of Southwark,” passed the seventh day of April, one thousand eight hundred and seven, as is hereby altered or supplied, be and the same is hereby repealed, and made null and void.

Repeal of parts of former acts.

Passed 25th March, 1809.—Recorded in Law Book No. XI. page 332.

CHAPTER MMMLVII.

An ACT to authorize the Governor of this commonwealth to incorporate a company for the purpose of making and erecting a bridge and road over the northeast branch of the river Susquehanna, in the county of Northumberland, from the public highway opposite the plantation of Thomas Grant, to Shamokin Island, through the public highway of Shamokin Island, to the shore opposite Northumberland, and from thence to the town of Northumberland.

SECT. 1. [COMMISSIONERS appointed to open books for subscriptions. Shares twenty-five dollars each. Books to be closed when three thousand two hundred shares are subscribed. Three dollars on each to be paid at the time of subscribing, out of which, expense to be paid, 2. Company to be incorporated when

1809. two thousand four hundred shares are subscribed, by the name of "The President, Managers and Company, for erecting a Bridge over the north-east branch of Susquehanna, at the Town of Northumberland." Capital may be enlarged. 3. Notice to be given of the time and place of meeting, to organize the company. What officers are to be chosen. Authorized to make by-laws. Votes limited to five. 4. Time of meeting of the stockholders, &c. 5. Certificates of shares to be given to subscribers. Of which transfers may be made. 6. Meetings of the president and managers, five members to constitute a quorum. May appoint engineers, &c. Fix wages, &c. 7. Penalty on neglecting to pay monies due. 8. Privilege given to enter inclosures, to procure necessary materials. And mode of compensation for damages. 9. Fair and just accounts to be kept, to be annually submitted to the stockholders. Number of shares may be increased. 10. Bridge when completed, to be vested in the company, and authority given to take tolls, at certain rates. Proviso. The bridge, not to interrupt the navigation—nor toll to be taken from persons attending funerals, or walking in military procession, or from persons belonging to the militia, in going to and returning from muster on days of training. 11. Penalty on demanding illegal tolls, and how recoverable. 12. Accounts to be kept of monies received. Dividends to be made, and notice to be given of the time when. 13. Abstract of the accounts to be exhibited to the legislature. And under what circumstances, tolls may be increased, until dividend equals six per cent. but the dividends not to exceed fifteen per cent. per annum. 14. Penalty on any person injuring the bridge, prescribed. And how to be recovered. 15. Work to be commenced within four, and completed within ten years, &c.] (*r*)

Passed 25th March, 1809.—Recorded in Law Book No. XI. page 333.

[*(r)* By act of 2d April, 1811, the state is to subscribe fifty thousand dollars to this stock, on certain conditions.

The company has since been incorporated.] (See also a supplement to this act, passed 30th March, 1811.)

CHAPTER MMMLVIII.

An ACT authorizing the Governor to incorporate a company for making an artificial road from Safe Harbour at the mouth of Conestoga creek, through the village of Strasburg, to intersect either the Gap and Newport turnpike, or the Philadelphia and Lancaster turnpike road, as near the former as possible.

SECT. 1. [COMMISSIONERS appointed to receive subscriptions. Shares twenty-five dollars each. Notice to be given of the time and place for opening the books. Books to be kept open until two thousand shares are subscribed. Commissioners to adjourn from time to time, until the subscription is filled. Five dollars to be paid on each share at the time of subscribing. 2. Six hundred shares being subscribed, the company may be incorporated, by the style of "The President, Managers and Company of Safe

Harbour, Strasburg and Gap Turnpike Road Company," with the usual corporate powers and privileges. Capital may be enlarged if found necessary. 3. Notice to be given of the time and place of organizing the company. President, twelve managers, treasurer and other officers to be chosen. Authorized to make by-laws. Authorized to take like tolls, and liable to like penalties, &c. as the company of the Gap and Newport turnpike road. Work to be commenced within three, and completed within seven years, or be liable to forfeiture.] 1809.

Passed 28th March, 1809.—Recorded in Law Book No. XI. page 337.

CHAPTER MMMLIX.

An ACT to authorize the Governor of this commonwealth to incorporate a company for the purpose of making and erecting a bridge over the river Susquehanna in the county of Lancaster, at or near the town of Columbia.

SECT. 1. [COMMISSIONERS appointed. Books to be provided for entering subscriptions in. Form of subscription. Notice to be given in certain papers, when and where the books are to be opened. One of the commissioners to attend. If four thousand shares are not subscribed in three days, the commissioners may adjourn. Notice of adjournment to be given. When four thousand shares are subscribed, the books to be closed. Notice of which to be given. Five dollars to be paid on each share at the time of subscribing. How to be appropriated. 2. When twelve hundred shares are subscribed, the commissioners shall certify the same to the governor, who shall thereupon constitute them, a body politic, by the style of "The President, Managers and Company, for erecting a bridge over the Susquehanna river, in the county of Lancaster, at or near the town of Columbia," with all the privileges incident to a corporation. 3. Six certain persons to give notice of the time and place of meeting, in order to organize the company. How and what officers are to be chosen. Their term of service. No person to have more than five votes. 4. An annual meeting to be held on the first Monday of July. Place of, to be fixed by the orders of the company. 5. Certificates of stock to be issued to each stockholder on his paying the sum of twenty dollars on each share. Said certificates to be transferable. Upon what terms. 6. Five members to constitute a quorum. Chairman to be appointed in the absence of the president. Minutes to be kept. Powers of a quorum, prescribed. 7. Penalty on any stockholder refusing, &c. or neglecting to pay instalments when called on. 8. Officers of the company may enter upon adjacent lands, &c. and take materials. How damages are to be appraised. Consent of persons owning the ground on each side of the bridge to be first obtained. Bridge not to be built so as to obstruct the navigation. 9. Accounts to be kept, and to be submitted to a general meeting, at least once a year. When and how many additional shares may be sold. 10. When the bridge shall be completed, the company may erect gates and

1809. collect toll, and rates of toll prescribed. *Provided*, That any person or persons going to and returning from public worship on Sabbath days, or any detachment of the military of this state, and those who attend funerals, shall at all times be exempted from paying said toll. 11. Penalty on demanding excessive toll, or neglecting to keep the bridge in good repair. How said penalty is to be appropriated. No suit to be brought, unless within thirty days after the offence committed. 12. An account of the monies received by the collectors to be kept. And dividend to be made. Publication of the dividend to be made on the first Monday in August. 13. Penalty on persons injuring the bridge, or other property of the corporation. How recovered. No suit to be brought but within thirty days, &c. 14. An abstract of the accounts of the company to be laid before the general assembly, three years after the completion of the bridge. If at the end of three years after the completion of the bridge, dividend will not amount to six per cent. the tolls may be raised. At the end of ten years from the completion as aforesaid, the accounts to be submitted as aforesaid. Tolls to be reduced in case the dividends amount to more than fifteen per cent. 15. Powers hereby granted to be resumed in case the bridge is not began within three, and completed within fifteen years.] [Ninety thousand dollars to be subscribed by the state to this stock, by act of 2d April, 1811. The company has since been incorporated.]

Passed 28th March, 1809.—Recorded in Law Book No. XI. page 539.

CHAPTER MMLX.

An ACT directing the mode of keeping in repair the long narrow road in the county of Mifflin.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the road through the long narrows, in the townships of Derry and Fermanagh, in Mifflin county, shall be kept in repair as is hereinafter directed : viz. The county commissioners shall each and every year hereafter contract with some person or persons for the purpose of aiding the inhabitants of the two townships aforesaid, in opening or keeping in repair the above mentioned road, beginning at the division line of said townships, and extending each way to a distance not exceeding three miles, and may if necessary expend thereon the sum of one hundred dollars the first year, and not exceeding fifty dollars every year thereafter, to be paid to any person or persons who may have contracted and made such repairs under such regulations as the commissioners for the time being may judge most expedient, by a warrant or warrants drawn on the treasurer of Mifflin county : Provided, This act shall not continue in force from and after a company shall be incorporated, and the work-*

Commissioners of Mifflin county, authorized to make contracts for repairing certain roads, &c.

Amount of money which may be annually expended.

Limitation of this act.

commenced in Mifflin county for making an artificial road from Harrisburg through Lewistown to Pittsburgh. 1809.

Passed 28th March, 1809.—Recorded in Law Book No. XI. page 344.

CHAPTER MMMLXI.

An ACT to authorize the Governor to appoint commissioners for the purpose of laying out a road beginning at or near Kelso's ferry in Cumberland county, through York and Adams counties to the Maryland line, in a direction to the city of Washington.

[SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the governor be, and he is hereby authorized to appoint three commissioners to lay out and mark a road, beginning at the state road leading from Harrisburgh to Carlisle, at or near Kelso's ferry in Cumberland county, the nearest and best route to or near Eich-
elberger's tavern in York county through Gettysburgh in Adams county, to the Maryland line, in a direction to the city of Wash-
ington; and the said commissioners shall proceed to perform the said service at such time as the governor shall direct, and they shall deposit a copy of said draught in the office of the clerk of the Court of Quarter Sessions in each county, through which the said road shall pass, and the said clerks shall enter the same on the records respectively, which shall be a record of said road, and from thence-
forth shall be to all intents and purposes, a public highway, and shall be kept in repair as roads laid out by the Court of Quarter Sessions are in the counties aforesaid.]

Governor to
appoint com-
missioners to
lay out a
road through
Cumberland,
York, and
Adams coun-
ties.

SECT. 2. [Allowance to the commissioners.]

Passed 28th March, 1809.—Recorded in Law Book No. XI. page 345.

CHAPTER MMMLXII.

An ACT granting an annuity to John Boyls, a sergeant in the late revolutionary war.

SECT. 1. [A GRATUITY of forty dollars, and an annuity of forty dollars granted to John Boyls.]

Passed 28th March, 1809.—Recorded in Law Book No. XI. page 345.

CHAPTER MMMLXIII.

An ACT for the better establishing and confirming the boundaries of the town and out-lots of the town of Indiana.

SECT. 1. [COMMISSIONERS of Indiana to make a re-sur-
vey of the town of Indiana and out-lots, and transmit a draught of

1809. the same to the office of the secretary of state. Expenses to be paid out of the county stock.]

Passed 28th March, 1809.—Recorded in Law Book No. XI. page 345.

CHAPTER MMMLXIV.

An ACT granting to Samuel McNeill an annuity for life.

SECT. 1. [GRATUITY and an annuity granted to Samuel McNeill, of forty dollars.]

Passed 29th March, 1809.—Recorded in Law Book No. XI. page 346.

CHAPTER MMMLXV.

An ACT abolishing the offices of receiver-general and master of the rolls, and transferring the duties therein performed to other offices, and for other purposes.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the tenth day of May next, the offices of receiver-general and master of the rolls shall cease, determine, and be abolished, and the books, records, and papers belonging thereto, shall immediately after that period, be deposited in other offices, as is hereinafter mentioned.

SECT. II. *And be it further enacted by the authority aforesaid, That* all the books, papers, and other documents in the receiver-general's office, and all the patent books, records, and documents relating to the titles of lands which are in the roll's office, shall be delivered to the secretary of the land-office, and be by him deposited in his office; and all the books, papers, and other documents which are in the office of master of the rolls, containing the records of, or relative to the enrolment of laws or other acts of the legislature, shall be delivered to the secretary of the commonwealth, and be by him deposited in his office.

SECT. III. *And be it further enacted by the authority aforesaid, That* from and after the said tenth day of May next, the fees on issuing a warrant shall in all cases be four dollars and fifty cents for each and every warrant of survey and acceptance which shall issue, except as is hereinafter excepted; and it shall thenceforth be the duty of the secretary of the land-office from time to time, as the same may be necessary, to make or cause to be made, all calculations of the purchase money and interest due on lands sold, or that shall hereafter be sold by the state, and to direct the payment of the money by the applicant, together with the price of the warrant, into the state treasury; and the treasurer shall give duplicate receipts for the money paid, one of which shall be deposited with the said secretary of the land-office before the warrant shall issue.

Offices of the receiver general, and master of the rolls to be abolished.

Distribution of the books and papers of each.

Fees on issuing a warrant to be 4 dolls. 50 cts.

Calculations of purchase money and interest, to be made in the office of the secretary of the land-office.

SECT. IV. *And be it further enacted by the authority aforesaid,* 1809.
That from and after the said tenth day of May next, the powers and duties of the master of the rolls so far as the same relate to the laws, resolutions, acts, and proceedings of the legislature shall be transferred to and performed under the direction of the secretary of the commonwealth, and the fees accruing thereon, together with all other fees received in his office, shall be paid into the state treasury, [and accounted for monthly by him with the auditor-general.]

Duties of the master of the rolls respecting laws, &c. transferred. Fees accruing thereon, to be paid into the state treasury. [Supplied 30th March, 1811.]

SECT. V. *And be it further enacted by the authority aforesaid,*
That from and after the said tenth day of May next, the fees on patenting in all cases in which fees are by law receivable, shall be ten dollars for each and every patent that shall issue, and shall be paid to the state treasurer, who shall give duplicate receipts for the same, one of which shall be deposited with the secretary of the land-office before the issuing of the patent; and the enrolment of the patent shall thenceforth be done without additional fees, under the direction of the said secretary, who shall also possess all the powers, and perform all the duties, so far as the same relate to the papers to be deposited in his office, hitherto appertaining to or directed by law to be performed by the master of the rolls.

Ten dollars fees to be received on each and every patent.

No fees to be exacted on the enrolment of patents.

SECT. VI. *And be it further enacted by the authority aforesaid,*
[That the secretary of the land-office shall monthly deliver to the auditor-general all the receipts of the state-treasurer which shall come into his office for monies received at the treasury, for lands sold and fees paid on warrants and patents; and the secretary of the land-office and surveyor-general, on their own oaths or affirmations, of their deputies or clerks engaged in the receipt of money, shall monthly account to the auditor-general, for all fees hereafter to be received in their offices,] which monies they are hereby directed to pay into the state-treasury.

Further duties of the secretary of the land-office and surveyor-general. (Repealed and supplied by act of 30th March, 1811.)

SECT. VII. *And be it further enacted by the authority aforesaid,*
That from and after the passing of this act, the secretary of the commonwealth, the secretary of the land-office, and surveyor-general be, and they, or any two of them, hereby are constituted and appointed a board of property, vested with the same powers and required to perform the same duties which were vested in and exercised by the board of property under the first section of the act entitled "An act for instituting a board of property, and for other purposes therein mentioned," passed the eighth day of January, one thousand seven hundred and ninety-one, or by any subsequent law.

The secretary of the commonwealth, the secretary of the land-office and surveyor-general, constituted a board of property.

SECT. VIII. *And be it further enacted by the authority aforesaid,*
That it shall be the duty of the secretary of the land-office to prepare a seal to be styled "The seal of the land-office of Pennsylvania," which, from and after the said tenth day of May next, shall be applied to all patents, warrants, and other papers authenticated in said office; and all patents and warrants which shall issue thereafter, shall be signed by the said secretary, and the patents attested by his deputy or first clerk.

Seal for the office of the secretary of the land-office to be prepared and affixed.

SECT. IX. *And be it further enacted by the authority aforesaid,*
That all patents to be issued under the laws of this commonwealth,

Patents for town lots, &c. and re-

served tracts of land to issue out of the office of the secretary of the land-office, &c.

Secretary of
land-office
and survey-
or-general to
be appointed
for three
years.

Acts hereby
altered and
supplied, re-
pealed.

(s) *Post.* act of 4th April, 1809.— certain surveying fees, by Connecticut
This act not to affect the payment of settlers.

Passed 29th March, 1809.—Recorded in Law Book No. XI. page 348.

(Vol. 4, p. 204.)

Former acts
on the sub-
ject of indict-
ments, &c.
made perpe-
tual.

atory of the act entitled "An act to regulate the payment of costs on indictments," are hereby continued and made perpetual: *And provided*, That any prosecutor notwithstanding his being liable for the payment of, or exemption from costs, shall be a competent witness before the grand or petit jury. 1809.

Passed 29th March, 1809.—Recorded in Law Book No. XI. page 353.

CHAPTER MMMLXIX.

An ACT enabling certain trustees to sell and convey the real estate of Henry Strater, a lunatic.

SECT. 1. [MOSES WILLSON and Israel Merrick authorized to sell a tract of land in Tioga county for the benefit of Henry Strater, a lunatic.]

Passed 29th March, 1809.—Recorded in Law Book No. XI. page 353.

CHAPTER MMMLXX.

An ACT concerning sentences of foreign prize courts.

WHEREAS it has been held on the authority of certain British precedents, that the sentences of foreign prize courts are conclusive evidence in all cases of every fact which on the face of them it appears that they meant to decide so that a citizen of this commonwealth, whose property has been unjustly captured and condemned as belonging to the enemy of the captor, or on some other false pretext, cannot, according to that principle, be admitted to prove in our own courts, that he was at the time of such capture, the *bona fide* owner of such property, but the sentence of the foreign prize courts is considered as conclusive evidence of the contrary fact against him, in consequence whereof underwriters who have received large premiums for insuring American property against the risque of capture and its consequences, are discharged from the obligation of their contract by the very accident against which it was meant to provide, which is contrary to every principle of justice and morality, and is in direct opposition to the principles of the constitutions of the United States, and of this state: Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, no sentence, judgment or decree, final or interlocutory, of any judge, court, board, council, or tribunal, having or exercising jurisdiction of prize, shall be conclusive evidence in any case, of any fact, matter or thing therein contained, stated or expressed, except of the acts and doing of such judge, court, board, council or tribunal: *Provided always*, That nothing in this act contained, shall be construed so as to impair or destroy

No sentence of foreign prize courts shall be conclusive evidence in any fact &c. except of the acts and doings of the said court. But the legal effects of such sen-

1809.
 tence shall
 not be im-
 paired, &c.

the legal effects of any such sentence, judgment or decree on the property affected or intended to be affected thereby, but the same shall be and remain as if this act had not been made.

Passed 29th March, 1809.—Recorded in Law Book No. XI. page 353.

CHAPTER MMMLXXII.

An ACT for the benefit of the devisees of John Hart, deceased.

[SECT. 1. [CERTAIN escheated lands vested in Hannah Hart, Hannah Morris Hart, and John Jaffry Hart, their heirs and assigns; and John J. Hart authorized to sell and convey Hannah Morris Hart's share, she being *non compos mentis*, on giving security to appropriate the proceeds to her support and maintenance.]

Passed 31st March, 1809.—Recorded in Law Book No. XI. page 354.

CHAPTER MMMLXXVII.

An ACT for the better employment, relief and support of the poor within the township of Germantown, in the county of Philadelphia.

WHEREAS the poor within the township of Germantown, in the county of Philadelphia, are become numerous and expensive, and the charge of their support is likely to increase without affording them so comfortable a subsistence as the well disposed inhabitants wish to extend to their indigent fellow citizens, for want of proper regulations for their employment and relief. And whereas the inhabitants have purchased a house and lot of ground as a poor-house for the reception of the poor within the township, and have been at considerable expense to put the same in good repair: Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That Samuel Mechlin and Jacob Summers, for the lower district, John Johnston and Anthony Johnston, for the middle district, and Jacob Holgate and Joseph Miller for the upper district, be and they are hereby appointed managers for the relief and employment of the poor of the township of Germantown, and they and their successors shall in name and fact be one body politic and corporate in law, to all intents and purposes whatsoever, with full powers and authority to do and perform all the duties of and to exercise all the powers vested in the overseers of the poor by the poor laws of this commonwealth, and shall have succession, and may sue and be sued, plead or be impleaded, and shall be incorporated by the name of "The Managers for the relief and employment of the poor of the township of Germantown, in the county of Philadelphia," and by that name shall and may receive, take and hold lands, tenements and hereditaments not exceeding a yearly value of three thousand dollars, and any goods and chattels of the gift, alienation,*

Managers
 appointed.

Created a
 body politic
 and corporate;
 ;

Their privi-
 leges and
 franchises.
 Style and title.

May hold
 lands and
 tenements
 to a certain
 amount;

bequest or devise of any person or persons whatsoever, and hereby empowered and authorized to use one common seal in the business of the said corporation, and the same at their pleasure to change and alter.

1809.

and have a common seal, &c.

SECT. II. *And be it further enacted by the authority aforesaid,* That the said managers or any four of them shall and they are hereby authorized, enjoined and required to meet together on the first Monday in the month of May next, and on the first Monday in May in every succeeding year during the continuance of this act of incorporation, and at all such other times as they shall judge necessary by their adjournments, the time and place of meeting to be inserted in their book of minutes, notice to be given to each member in writing at least six days before the time of holding their annual and adjourned meetings, setting forth the time and place of holding such meetings, and the special business to be transacted on the respective days, to appoint proper officers and other persons for the business of the corporation, and to make and ordain by a majority of votes, all such good and wholesome ordinances, rules and by-laws as they shall think convenient and necessary for the direction, government and support of the poor-house and house of employment, and the revenues thereunto belonging, and also for the maintenance and employment of all such poor persons as shall be taken in under their care, all which ordinances, rules and by-laws shall be from time to time inviolably observed by all persons concerned, according to the tenor and effect thereof: *Provided,* They be not repugnant to the constitution and laws of this commonwealth.

An annual meeting to be held on the first Monday in May.

Other meetings may be held;

notice of which to be given to each member, and also of the business to be transacted.

May appoint officers and make by-laws.

Such laws not being contrary to the constitution of this commonwealth.

SECT. III. *And be it further enacted by the authority aforesaid,* That the succession of the managers shall be in the following manner, the two first named shall go out of office in one year after the first appointed meeting, which will be on the first Monday in the month of May, one thousand eight hundred and ten, the next two named, on the first Monday in May, one thousand eight hundred and eleven, and the remaining two on the first Monday in May, one thousand eight hundred and twelve, and so on with their successors, two shall go out of office on the first Monday in May in every year after, during the continuance of the time for which they shall be incorporated, and the managers shall be chosen by the electors of said township in the month of March annually, at the time and place of electing constables and supervisors of the public highways of said township; and if any person so chosen shall refuse to serve the office of manager on due notice being given him, he shall forfeit and pay to the use of the poor, the sum of twenty dollars, to be recovered before any Justice of the Peace in the county, as by action of debt.


Of the succession of managers.

When and where the managers are to be chosen.

Penalty on refusing to serve.

SECT. IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said managers for the relief and employment of the poor of the township of Germantown, from time to time to nominate, appoint, employ and pay one or more fit person or persons to be collector or collectors of the poor tax or taxes assessed or imposed or hereafter to be assessed or imposed upon the inhabitants of the said township, for the use and benefit of the poor thereof, which said collector or collectors so to be nomi-

Managers to appoint collectors of the poor tax.

1809.  nated and appointed by the managers and employed, shall with at least one surety to be with him or them joined, severally and respectively make and execute a bond or bonds unto the said managers for the relief and employment of the poor, in a sum equal to the amount of his or their duplicates, with a condition or conditions thereunto severally annexed and under written, for the true and faithful performance of all and singular the duties and services which shall or may lawfully be imposed upon and required from such collector or collectors respectively: *Provided nevertheless,* That the compensation to be received by such collector or collectors shall not exceed five per centum on the sums by them respectively received.

Who shall give surety, &c.

Their compensation not to exceed 5 per cent. on the sums by them received.

Treasurer to be appointed, who shall give security;

his duties.

Shall take an oath or affirmation, &c.

Statement of the accounts of the corporation to be published annually in hand-bills.

The overseers of the poor for the township of Germantown to deliver over to the managers, &c.

SECT. V. *And be it further enacted by the authority aforesaid,* That the said managers for the relief and employment of the poor, shall nominate and appoint one of their own board to act as treasurer, who shall give security to double the amount of the tax assessed in said township for the support of the poor to whom the collector or collectors shall pay over once in every month, and render an account of and concerning all such sums of money as they shall have respectively received for or on account of the said poor tax or taxes; and the said treasurer shall give a receipt or receipts to the collector or collectors for the sum or sums of money which he or they shall from time to time bring in and pay to him as aforesaid, which said receipt or receipts shall be a good and sufficient discharge unto the collector or collectors for so much money as may therein respectively be acknowledged and expressed to have been received by the said treasurer; and the said treasurer before he shall enter on the execution of the office shall take an oath or affirmation according to law, that he will discharge the office of treasurer truly, faithfully and impartially to the best of his knowledge and ability, and will well and truly pay and deliver over to the succeeding treasurer all the money, books, accompts, bonds and papers belonging to the said corporation, which shall then be remaining in his hands, custody and possession.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the managers for the relief and employment of the poor, shall on the first Monday in May, in the year one thousand eight hundred and ten, and on the first Monday in May in every succeeding year, publish in hand-bills to be distributed among the inhabitants of the township of Germantown, a state of their books, accounts, affairs and economy thereof, together with an account of the rents, products and interests of any real or personal estates or sums of money charitably given to the use of the said corporation, as also a list of the paupers within the house, and the out door pensioners.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the overseers of the poor for the township of Germantown, are hereby required as soon as they are called upon by the board of managers for the relief and employment of the poor of said township, to surrender to the board of managers aforesaid, the poor-house and lot of ground thereunto belonging, as also all the money, books, accompts, bonds and papers belonging to the said township relative to the poor thereof, which shall then be remaining in their

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hands, custody or possession, and the receipt of the board of managers aforesaid shall be a good and sufficient discharge unto the said overseers of the poor, for so much of the property as may be therein respectively acknowledged and expressed to have been received by the said board, and that so much of the act for the relief of the poor within this commonwealth, as authorizes the returning and appointing overseers of the poor for each township, be and the same is hereby suspended for the term of six years from and after the passing of this act, so far as relates to the choosing overseers of the poor for the township of Germantown, and the overseers appointed to serve for the ensuing year for the township aforesaid, are hereby released and discharged from the duties and obligations of their office, any thing in any law to the contrary notwithstanding.

Certain parts of the poor laws, relating to the township aforesaid, suspended for the term of six years.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the accounts of the said managers shall be settled on the first Monday in April annually, by the auditors chosen to settle the accounts of the supervisors of the public highways of said township, and the same shall be published in one of the public newspapers printed in said township, but if no such newspaper should be printed in said township, then in one of the public newspapers printed in the city of Philadelphia, and the books of said corporation shall be open at any time for the inspection of the inhabitants residing within the limits of said corporation.

Accounts of the managers to be settled annually, &c.

Same to be published; and where.

Books of the corporation to be kept open for inspection.

SECT. IX. *And be it further enacted by the authority aforesaid,* That the said corporation shall continue in full force for six years from and after the passing of this act, and until the close of the then next session of the legislature, and no longer.

Corporation to continue in force for six years, &c.

Passed 31st March, 1809.—Recorded in Law Book No. XI. page 358.

CHAPTER MMMLXXVIII.

A further SUPPLEMENT to the act entitled "An act for laying out, making and keeping in repair the public roads and highways within this commonwealth, and for laying out private roads."

[Vol. 3, pa. 512, and see the notes thereto.]

WHEREAS by the existing laws for laying out and vacating public and private roads and highways, within this commonwealth, no provision is made to authorize the Court of Quarter Sessions in the respective counties, to enquire, lay out, and vacate any public or private road or highway, at the same time or by the report of one view, and it appearing that such a power would be safe and advantageous, and would remove many inconveniences which have been experienced in a variety of cases, as the propriety of laying out a new road, or changing the route of an old one, might depend upon the old road being vacated in whole or in part, and would go to remove in many cases the objections against laying out a new road, as long as it remained doubtful whether the old one would be vacated or not: Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That*

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Additional powers granted to the courts of Quarter Sessions, in relation to roads.

Powers of reviewers.

Proviso.

Viewers, in the appraisal of damages, to take an oath or affirmation.

Repeal of former acts.

the several Courts of Quarter Sessions of the Peace, in their respective counties shall, upon application to them being made for the purpose of opening a new road, or of vacating or changing the route of an old road, proceed therein by views and reviews, in like manner as has been practised in laying out public roads or highways under the laws now in force, that in addition to the powers heretofore given to viewers, they shall be authorized when they lay out a new road or change the route of an old road, to vacate the whole of the old road or any part thereof, as circumstances may render the one or the other necessary; and make report of their proceedings in the same manner as is now done in cases of views or reviews: *Provided always*, That it shall not be lawful for any road or part of a road vacated in pursuance of the provisions of this act, to be shut up or stopped until the road or part of road so laid out to supply the place thereof, shall be actually opened.

SECT. II. *And be it further enacted by the authority aforesaid*, That the viewers appointed in pursuance of the fourteenth section of the act to which this is a supplement, to ascertain the damages sustained by individuals from public roads being laid out through their lands, the said viewers shall each of them, before they proceed to assess the said damages, take an oath or affirmation before some judge, alderman, or justice of the peace, justly and truly to value the same, and also to consider the advantage as well as the disadvantage of the said road.

SECT. III. *And be it further enacted by the authority aforesaid*, That from and after the passing of this act, so much of any act or acts or any part thereof as is by this act altered or supplied, be and the same is hereby annulled and made void. (t)

Passed 3d April, 1809.—Recorded in Law Book No. XI. page 360.

(t) A report of a road by viewers, tion to the courses and distances, is &c. without a plot or draught in addition. 3 Binney, 3.

CHAPTER MMMLXXIX.

An ACT to authorize and direct the governor to incorporate a company for erecting a permanent bridge over the river Schuylkill, at or near Pawling's Ford, in the counties of Montgomery and Chester.

SECT. 1. [COMMISSIONERS appointed.—To procure a book or books, for subscriptions. Notice to be given by advertisement in certain papers of the times and places of opening said books. Commissioners to attend to receive subscriptions; and who may subscribe, and for how many shares. Commissioners may adjourn if the subscriptions shall not amount to two hundred shares in three days. Notice of adjournment to be given. Books to be closed when two hundred shares are subscribed. Each person on subscribing to pay to the attending commissioners five dollars for each share subscribed for, and how it shall be appropriated. 2. When the whole number of shares are subscribed the commissioners shall

certify the same to the governor who shall thereupon create and erect the subscribers into one body politic and corporate, by the style and title of "The Managers and Company for erecting a permanent bridge over the river Schuylkill, at or near Pawling's ford," with the powers incident to a corporation. 3. The six first named persons in the said letters patent, shall give notice by advertisement in certain papers of the time and place of organizing said company. The subscribers to choose by ballot certain officers. Power to make by-laws. And as soon as the said bridge shall be completed, the said company shall have and enjoy the like privileges, and shall be entitled to receive similar tolls, and be subject to the like limitations and restrictions as are given to and enjoined upon the company incorporated for erecting a permanent bridge over the river Schuylkill, opposite the flat rock, in the county of Philadelphia, (ante. page 34.)]

Passed 3d April, 1809.—Recorded in Law Book No. XI. page 361.

CHAPTER MMMLXXX.

An ACT concerning contempts of court.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, 'That* from and after the passing of this act, the power of the judges of the several courts of this commonwealth to issue attachments and inflict summary punishments for contempts of court shall be restricted to the following cases, *that is to say, 'To the official misconduct of the officers of such courts respectively, to the negligence or disobedience of officers, parties, jurors, or witnesses against the lawful process of the court, to the misbehaviour of any person in the presence of the court, obstructing the administration of justice.*

Powers of the courts to inflict summary punishments for contempts of court, restricted. To what cases.

SECT. II. *And be it further enacted by the authority aforesaid, 'That* from and after the passing of this act, all publications out of court respecting the conduct of the judges, officers of the court, jurors, witnesses, parties, or any of them, of, in and concerning any cause pending before any court of this commonwealth, shall not be construed into a contempt of the said court, so as to render the author, printer, publisher, or either of them, liable to attachment and summary punishment for the same; but if such publication shall improperly tend to bias the minds of the public, the court, the officers, jurors, witnesses, or any of them, on a question pending before the court, any person feeling himself aggrieved by such publication, shall be at liberty either to proceed by indictment, or to bring an action at law against the author, printer, publisher or either of them, and recover thereupon such damages as a jury may think fit to award.

Publications respecting the conduct of judges, officers, &c.

But if such publication tend to bias the minds of the public, &c.

SECT. III. *And be it further enacted by the authority aforesaid, 'That* the punishment of imprisonment in the first instance shall extend only to such contempts as are committed in open court; and all other contempts shall be punished by fine only: *Provided al-*

No contempt to be punished by imprisonment unless, &c. All other contempts to

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be punished
by fine only.
Provide as to
such who are
unable or un-
willing to
pay said fine.
Courts may
make rules,
&c.

And may
compel obe-
dience by at-
tachment.

To have si-
milar pow-
ers, &c.

ways, That the sheriff or other proper officer, may take into custody, confine or commit to gaol, any person fined for a contempt, until such fine is discharged or paid; but if he shall be unable to pay such fine, such person may be committed to prison by the court for any time not exceeding three months.

SECT. IV. *And be it further enacted by the authority aforesaid*, That notwithstanding any thing in this act contained, the said courts shall have power respectively to make rules upon any sheriff or coroner for the return of any writ or writs for the payment of money received on any execution or process, and for the production of the body after a return of *cepi corpus* to an execution, or in default thereof for the payment of the debt and costs, and also to compel obedience to the said rules or any of them by attachment. And the said courts shall have the same powers against former sheriffs and coroners: *Provided*, That complaint and application is made for that purpose within one year after the termination of their said offices respectively.

SECT. V. *And be it further enacted by the authority aforesaid*, That this act shall be and continue in force for and during the term of two years from the passing thereof, and from thence unto the end of the next session of the legislature.

Passed 3d April, 1809.—Recorded in Law Book No. XI. page 363.

(February 4th, 1812. This act will expire with the present session, if not extended.)

CHAPTER MMMLXXXII.

An ACT authorizing William Lane and Thomas Davis, to build a bridge across the Raystown Branch of Juniata, near the mouth of Yellow Creek.

SECT. 1. [WILLIAM LANE and Thomas Davis authorized to erect and maintain a bridge across the Juniata river. Not to impede the fording or navigation. 2. The property of said bridge to be vested in said William Lane and Thomas Davis and their heirs, &c. And may demand and receive toll. Rates of toll to be received prescribed. And the militia on days of training, or of military procession, or persons attending funerals, shall have the privilege of passing and repassing the said bridge toll free.]

Passed 3d April, 1809.—Recorded in Law Book No. XI. page 364.

CHAPTER MMMLXXXIV.

A SUPPLEMENT to an act, entitled "An act to authorize the Governor to incorporate a company for making an artificial road from the Philadelphia and Lancaster turnpike road in Lancaster county, at or near the Gap Tavern, to the line of the state of Delaware."

SECT. 1. [THE president, managers, &c. of the Gap and Newport turnpike company authorized to open a new subscription

for one thousand two hundred shares of stock in said company. 1809.
 2. When the first five miles is perfected, gates may be erected and toll received. And so for any additional five miles. 3. Parts of the original act hereby supplied, repealed.]

Passed 3d April, 1809.—Recorded in Law Book No. XI. page 365.

CHAPTER MMMLXXXV.

An ACT to encourage and facilitate the completion of the Frankford and Bristol, and the Bustleton and Smithfield turnpike roads. (Vol. 4, p. 271.)

SECT. 1. [WHEN two and an half miles of the roads are completed, companies to receive toll; but notice thereof shall be given to the governor. Who shall thereupon appoint viewers. Who shall report to him in writing whether the same be well executed. If in the affirmative, the governor shall issue his license for the erection of gates. 2. Certain sections of former acts repealed. Privileges of the company as to the road so completed.]

Passed 3d April, 1809.—Recorded in Law Book No. XI. page 365.

CHAPTER MMMLXXXVII.

An ACT to authorize the Governor to incorporate a company for erecting a permanent bridge over the river Susquehanna, at or near Harrisburgh, in the county of Dauphin.

SECT. 1. [COMMISSIONERS appointed. Who shall procure one or more books for subscription. Stock of the company to be four hundred thousand dollars, divided into twenty thousand shares, at twenty dollars each share. Notice to be given in certain newspapers of the times and places of taking subscriptions. Who may subscribe, and for what number of shares. Every person subscribing shall pay to the attending commissioners two dollars for each share subscribed. How said payment shall be appropriated. Three thousand shares to be reserved for certain purposes. 2. When one hundred or more persons shall have subscribed five thousand shares, the same shall be certified to the governor. Who shall thereupon create and erect the subscribers as well as those who shall afterwards subscribe, into one body politic, by the style and title of "The President, Directors and Company for erecting a Permanent Bridge over the river Susquehanna, at or near the borough of Harrisburgh," with the powers incident to a corporation. 3. The five first named persons in the letters patent, to give notice by advertisement in certain newspapers, of the time and place of organizing the corporation. When met, the subscribers to elect certain officers. Power to make by-laws. Number of votes to be given by each stockholder. 4. Annual meetings of the stockholders to be held on the first Monday in January. 5. Certificates of stock to be issued. Which shall be transferable by assignment subject to the payments

1809. due. Such assignments to be entered in a book of the company. 6. Five stockholders to examine and report the most eligible place or places for building the bridge. And to treat with owners for the purchase of the place or places aforesaid. 7. Five members to be a quorum, who may in the absence of the president, choose a chairman, and shall keep minutes of their proceedings. Its powers and authority. Said bridge to be erected within fifteen years. And in what manner. 8. Penalty on stockholders neglecting or refusing to pay off their arrearages. 9. President and directors to keep fair accounts of all monies received and expended. And submit the same at least once in each year to a general meeting. And if the capital stock be not sufficient to complete said bridge, the number of shares may be increased. And how surplus monies are to be appropriated. 10. The property of the bridge to be vested in the company, and their successors, during the term of thirty years. Rates of toll prescribed. Consent of the owners of the ground to be first obtained before the erection of the bridge. Which must be constructed so as not to obstruct the navigation of the river. When the tolls exceed fifteen per cent. the excess to compose a fund for the redemption of the bridge. If the excess fund be sufficient to free the bridge in less than thirty years, it shall be then redeemed, on a compensation being made to the stockholders. Then and after the expiration of the said thirty years the legislature may at any time declare it a free bridge. 11. Tolls for oxen prescribed. 12. Penalty on exacting illegal tolls or neglecting to keep the bridge in repair. But no suit to be brought for the same after thirty days. Appeal allowed, or certiorari, as the case may require. 13. Dividends to be made, declared, and published. 14. An abstract of the accounts of the company to be laid before the legislature every three years. 15. Bridge to be begun in five, and completed in fifteen years. And power of resumption by the legislature. 16. Penalty on persons injuring the property of the company. And how to be recovered.] (u)

Passed 3d April, 1809.—Recorded in Law Book No. XI. page 367.

(u) By act of 2d April, 1811, the certain conditions. See also an additional supplement, passed February, 1812. (post.)

CHAPTER MMMLXXXVIII.

An ACT granting an annuity to John Craig.

SECT. 1. [FORTY dollars granted to John Craig. And an annuity of like amount. To be paid to Samuel Kinkad for the use of said Craig. Said Kinkad to make return to the Orphans' Court respecting the premises.]

Passed 4th April, 1809.—Recorded in Law Book No. XI. page 373.

CHAPTER MMMXCI.

An ACT granting an annuity to Robert Varnor.

SECT. 1. [FORTY dollars to be paid to John Stewart, for the use of Robert Varnor, And an annuity of like amount. Said

Stewart to be accountable to the Orphans' Court for the execution of the trust.] 1809.

Passed 4th April, 1809.—Recorded in Law Book No. XI. page 374.

CHAPTER MMMXCIII.

An ACT to repeal so much of an act passed April fourth, one thousand eight hundred and seven, as directs the township assessors to select and return jurors, and also allowing peremptory challenges in certain cases.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* so much of the act entitled a supplement to an act, entitled an act directing the mode of selecting and returning jurors, as enjoins certain duties on the ward, district and township assessors, be, and the same is hereby repealed and made void, and the original act above recited is hereby revived and made perpetual.

Part of an act directing the mode of selecting and of returning jurors, repealed, and part of the original act revived.

SECT. II. *And be it further enacted by the authority aforesaid, That* in all civil suits, each party shall be allowed to challenge two jurors peremptorily; and in all criminal prosecutions wherein peremptory challenges have not been heretofore permitted by law, the defendant or defendants shall be allowed to challenge four jurors peremptorily.

Two peremptory challenges allowed in civil cases, &c.

SECT. III. *And be it further enacted by the authority aforesaid, That* this act, and so much of the provisions of the act hereby revived, shall go into operation and take effect from and after the first day of September next.

When the revived act shall go into operation.

Passed 4th April, 1809.—Recorded in Law Book No. XI. page 375.

CHAPTER MMMXCVI.

An ACT to extend the powers of the Gettysburg and Petersburg turnpike company, and to enable the Governor to incorporate a company to make an artificial road from a point near Gallagher's saw mill, to the borough of Chambersburg.

SECT. 1. [GETTYSBURG and Petersburg turnpike company authorized to extend a certain road. And shall have similar privileges to those granted them by their original act of incorporation. 2. Commissioners appointed. Who shall procure two books. Entry therein. Notice to be given by advertisement in certain newspapers of the time and places of opening said books. Two of the commissioners to attend. Who may subscribe. If after six days, five hundred shares be not subscribed, the commissioners may adjourn the books elsewhere. Of which adjournment notice must be given. When five hundred shares are subscribed the books shall be closed. Five dollars to be paid on subscribing for each share subscribed for.

1809. **How appropriated.** 3. When fifty persons or more shall have subscribed two hundred shares, the same to be certified to the governor. Who shall erect the subscribers and those who shall afterwards subscribe into one body politic, by the style and title of "The President and Managers of the Chambersburg turnpike road Company," with the usual corporate powers. 4. Notice to be given of the time and place for organizing the company. Certain officers to be chosen by ballot. Power to make by-laws, and fix the route of the road. And generally to have similar powers to those of the Susquehanna and York borough turnpike company. Work to be completed in three years, otherwise the powers and privileges herein granted to revert.]

Passed 4th April, 1809.—Recorded in Law Book No. XI. page 377.

CHAPTER MMMXCVII.

An ACT authorizing the governor to subscribe for one hundred shares of stock of "The Downingtown, Ephrata and Harrisburgh turnpike road."

100 shares of the stock of the Downingtown, Ephrata and Harrisburgh turnpike company, to be subscribed for, by the governor.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the governor be, and he is hereby authorized to subscribe for, and in behalf of this commonwealth, for one hundred shares of stock in the company of "The President and Managers of the Downingtown, Ephrata and Harrisburgh turnpike road," the amount of such subscription to be paid by the state-treasurer, to the treasurer of said corporation; the half part thereof shall be subscribed when one half of said road is completed, and the other half as soon as three fourths of the road shall be completed. (x)

Passed 4th April, 1809.—Recorded in Law Book No. XI. page 379.

(x) The state to subscribe for one hundred and fifty additional shares of this stock, by act of 2d April, 1811.

CHAPTER MMMXCVIII.

An ACT granting an annuity to Samuel Brady.

SECT. 1. [FORTY dollars granted to Samuel Brady. And an annuity of like amount, to be paid to James Mc. Comb for the use of said Brady. Who shall account to the Orphans' Court for the expenditure of the same.]

Passed 4th April, 1809.—Recorded in Law Book No. XI. page 379.

CHAPTER MMMXCIX.

1809.

An ACT to afford immediate relief to Michael Lynch, a soldier in the revolutionary war, and to grant him an annuity.

SECT. 1. [FORTY dollars to be paid to Robert E. Jones for the use of Michael Lynch. And an annuity of like amount. To be accounted for to the Orphans' Court, by said Robert E. Jones.]

Passed 4th April, 1809.—Recorded in Law Book No. XI. page 380.

CHAPTER MMMC.

An ACT to authorize Samuel Ray, junior, to erect a toll bridge over French creek, opposite Buck-street, in the town of Franklin.

SECT. 1. [SAMUEL RAY, jun. &c. authorized to erect and maintain a bridge over French creek. Property thereof vested in said Ray and his heirs. Who may receive toll. Rates of toll to be taken. Said bridge not to be erected on any ground, without the owners consent being first obtained. *Provided also*, That persons in the militia on days of training, or of military procession, or persons attending funerals or religious worship on Sabbath days, shall have the privilege of passing over the said bridge toll free. 2. Bridge to be begun within one year, and completed within three years. And not to be impassable for waggons for five months, otherwise the powers hereby granted to revert. 3. Penalty on neglecting to keep the bridge in repair for the space of five days.]

Passed 4th April, 1809.—Recorded in Law Book No. XI. page 380.

CHAPTER MMMCI.

An ACT establishing in part and authorizing commissioners to lay out a state road from Pittsburgh, through Beaver-town to the western boundary of the state.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the present public road as laid out by order of the court on the north-west side of the Ohio river from Pittsburgh, to Beaver-town, shall be, and hereby is declared to be a state road.*

A certain road from Pittsburgh to Beaver-town, declared a state road.

SECT. II. *And be it further enacted by the authority aforesaid, That William Leek, Joseph Edgar, and Thomas Henry be and they are hereby authorized to lay out and mark a road, beginning at Beaver-town, and extending in a westwardly direction to the state line, in the nearest and best course toward New Lisbon, in the state of Ohio, and the said commissioners shall proceed to perform the said services during the ensuing summer, and shall cause a draught of the said road, as well from Pittsburgh to Beaver, as from Beaver to the state line, to be deposited in the office of the*

Commissioners appointed to lay out a state road from Beaver-town, &c.

Draught of said road to be deposited, &c.

1809. secretary of this commonwealth, and they shall also deposit a copy of said draught in the office of the clerk of the Court of Quarter Sessions, in Beaver county ; and the said clerk shall enter the same on record, and the said road shall from thenceforth be, to all intents and purposes, a public highway, and shall be kept in repair as roads laid out by the Court of Quarter Sessions.

SECT. 3. [Compensation to be allowed the commissioners.]

Passed 4th April, 1809.—Recorded in Law Book No. XI. page 381.

CHAPTER MMCH.

An ACT to establish an academy in the borough of Harrisburgh, in the county of Dauphin.

SECT. 1. [AN academy to be established in the borough of Harrisburgh. 2. Names of the trustees. Trustees and their successors to be a body politic, by the style of "The Trustees of Harrisburgh Academy," with the usual corporate powers." 3. May use a common seal and the same alter and renew. 4. Trustees to meet on the first Monday in May next, and divide themselves into three classes, and rotation prescribed. Neglecting to hold an annual election not to be a dissolution of the corporation. 5. Five trustees shall be a quorum, and their powers declared. Proviso as to the by-laws. 6. No purchase or sale of property above the value of one hundred dollars to be made without the consent of a majority of the trustees. No misnomer to work an injury to the corporation. Nor non-user of privileges, &c. a forfeiture of them. 7. One thousand dollars granted to the said institution.]

Passed 4th April, 1809.—Recorded in Law Book No. XI. page 382.

CHAPTER MMCHH.

An ACT further to extend the jurisdiction of the aldermen and justices of the peace of this commonwealth.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, all actions of trover and conversion shall, and are hereby declared to be cognizable before the aldermen and justices of the peace of this commonwealth, to the amount of thirty dollars, subject to the same rules of procedure as are provided in and by an act, entitled "A supplement to an act, entitled "An act to extend the powers of the justices of the peace of this state," passed the first day of March, anno Domini one thousand seven hundred and ninety-nine : *Provided, That nothing herein contained shall prevent any person or persons from his remedy by action of replevin or detinue, as already regulated by law.*

Jurisdiction of aldermen and justices of the peace extended to cases of trover and conversion, amounting to 30 dollars.

Passed 4th April, 1809.—Recorded in Law Book No. XI. page 383.

CHAPTER MMMCIV.

1809.

An ACT for the further establishment and regulation of Election districts.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* all that part of Straban township, in the county of Adams, east of the road leading from Shriver's mill to George Lashell's and Hunterstown, and down the Beaver dam run to Conewago, which is now annexed to the third election district, be and is hereby re-annexed to the remaining part of said township which is included in the first election district, and the whole of said township of Straban shall hereafter be included in the first election district, and hold their elections at the court-house in the borough of Gettysburg.

Regulation
of election
districts in
Adams coun-
ty.

SECT. II. *And be it further enacted by the authority aforesaid,* That the following shall be and the same is hereby declared an election district in Beaver county : that is, Beginning on the western boundary line of this state, where the Tuskaraway road crosses the same, thence a direct line by John Kelso's mill to Big Beaver creek, thence up said creek to the plantation of Alexander Wright, thence a due west course to the western boundary line of the state aforesaid, thence south on said line to the place of beginning ; and the electors therein shall hold their general elections in the academy in the town of Griensburg ; and that the township of Hanover in the said county, be and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by David Patton, in said township.

In Beaver
county.

SECT. III. *And be it further enacted by the authority aforesaid,* That the electors of Hopewell township, in the county of Bedford, shall hold their general elections at the house of William Lane, on the south side of Juniata, near the mouth of Yellow creek.

In Bedford
county.

SECT. IV. *And be it further enacted by the authority aforesaid,* That Tulpehocken township, in the county of Berks, be and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Henry Horsh, in said township.

In Berks
county.

SECT. V. *And be it further enacted by the authority aforesaid,* That the townships of Springfield and Durham, in the county of Bucks, be and the same is hereby erected into a separate election district, to be called the ninth election district, and the electors thereof shall hold their general elections at the house now occupied by William Burson, in the township of Springfield.

In Bucks
county.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the township of Falls and the borough of Morrisville, in the county of Bucks, be and the same is hereby erected into a separate election district, to be called the Tenth election district, and the electors thereof shall hold their general elections at the house now occupied by Hugh Morton, in said township.

Same.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the township of Conemaugh, agreeably to the present bounda-

In Cambria
county

1809. } ry lines thereof, in the county of Cambria, be and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by John Grosenickel, in said township.

In Crawford
county.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, that the townships of Wayne and Fairfield, and the following part of Fallowfield, in the county of Crawford, viz. Beginning at the south-west corner of Fairfield township, thence west by the line of Mercer county, to the south-west corner of Uriah Peterson's land, thence north to Conyaut creek, thence down the same to Fairfield township, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by James Herrington, in the township of Fairfield.

In Erie coun-
ty.

SECT. IX. *And be it further enacted by the authority aforesaid,* That the township of McKean, in the county of Erie, be and the same is hereby erected into a separate election district, to be called the second election district, and the electors thereof shall hold their general elections at the house now occupied by Thomas Dunn, in said township.

Same.

SECT. X. *And be it further enacted by the authority aforesaid,* That the township of Conneotte in the county of Erie, be and the same is hereby erected into a separate election district, to be called the Twelfth election district, and the electors thereof shall hold their general elections at the house now occupied by John B. Culbertson, in said township.

Same.

SECT. XI. *And be it further enacted by the authority aforesaid,* That the township of Harbour creek in the county of Erie, be and the same is hereby erected into a separate election district, to be called the Seventh election district, and the electors thereof shall hold their general elections at the house now occupied by Andrew Elliott, in said township.

Same.

SECT. XII. *And be it further enacted by the authority aforesaid,* That the township of Beaver Dam in the county of Erie, be and the same is hereby erected into a separate election district, to be called the Thirteenth election district, and the electors thereof shall hold their general elections at the house now occupied by William Huston, in said township.

In Greene
county.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That the township of Richhill in the county of Greene, be and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Thomas Craig, in said township.

Same.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That the township of Morris, in the county of Greene, be and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Nathaniel Pettit, in said township.

In Hunting-
don county.

SECT. XV. *And be it further enacted by the authority aforesaid,* That the electors of Dublin and that part of Springfield townships, which now compose the Second election district in the county of

Huntingdon, shall hold their general elections at the house now occupied by William Waters, in the township of Dublin. 1809.

SECT. XVI. *And be it further enacted by the authority aforesaid,* Same.
That the electors of Franklin, Tyrone and Warrior-mark townships, which now compose the Third election district in the county of Huntingdon, shall hold their general elections at the house now occupied by Bernard Sweney, in the town of Birmingham, in said district.

SECT. XVII. *And be it further enacted by the authority aforesaid,* In Indiana county.
That the township of Centre in the county of Indiana, be and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by James Dixon, in said township.

SECT. XVIII. *And be it further enacted by the authority aforesaid,* In Lycoming county.
That the electors of the Fourth election district in the county of Lycoming, shall hold their general elections at the house of George Quiggle, now occupied by Sebastian Shade, in said district.

SECT. XIX. *And be it further enacted by the authority aforesaid,* Same
That the electors of Lower Tioga election district, composed of the eastern part of Ulster and Athens, in the county of Lycoming, shall hold their general elections at the house now occupied by Wright Loomis, in said district.

SECT. XX. *And be it further enacted by the authority aforesaid,* Same.
That all that part of Washington township, lying south of what is commonly called Bald Eagle or Nittany mountain, in the county of Lycoming, be and the same is hereby erected into a separate election district, to be called the Eleventh election district, and the electors thereof shall hold their general elections at the house now occupied by George Dorland, in said township.

SECT. XXI. *And be it further enacted by the authority aforesaid,* In Luzerne county.
That the electors in the district of Kingston, Luzerne county, shall henceforth hold their general elections at the house now occupied by James Wheeler, in said district.

SECT. XXII. *And be it further enacted by the authority aforesaid,* In Mifflin county.
That the electors of Greenwood township, in the county of Mifflin, shall hold their general elections at the house now occupied by Joseph Sellers, in said township.

SECT. XXIII. *And be it further enacted by the authority aforesaid,* Same.
That Milford township in the county of Mifflin, be and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Nicholas Okeson, in said township.

SECT. XXIV. *And be it further enacted by the authority aforesaid,* In Montgomery county.
That the township of Franconia, in the county of Montgomery, be and the same is hereby annexed to the Eighth election district of said county, and the electors thereof shall hold their general elections at the house now occupied by Lawrence Jacoby, in Summany town, in the township of Marlborough.

SECT. XXV. *And be it further enacted by the authority aforesaid,* In Northumberland county.
That that part of West Buffaloe, in the county of Northumberland, beginning at the west part of Northumberland county, where the line crosses Pennscreek, thence eastwardly along Jack's mountain

1809. about twelve miles to a corner south of Adam Laughlin's, thence northwardly past said Laughlin's, including the same and William Forster's to Buffaloe mountain, thence westwardly along said mountain to the place of beginning; be and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Benjamin Goodwin, in the town of Hartleton, in said township.
- Same. SECT. XXVI. *And be it further enacted by the authority aforesaid,* That the electors residing in the bounds of the Third election district in the county of Northumberland, shall hold their general elections at the house now occupied by Eve Metzgar, in the town of Lewisburg, in said district.
- Same. SECT. XXVII. *And be it further enacted by the authority aforesaid,* That the electors residing in the bounds of the Eleventh election district in the county of Northumberland, shall hold their general elections at the house now occupied by Stephen Brearly, in the town of Washington, in said district.
- In Somerset county. SECT. XXVIII. *And be it further enacted by the authority aforesaid,* That the electors residing in Southampton township, in the county of Somerset, shall hold their general elections at the house now occupied by Adam Lepley, esquire, in said township.
- Same. SECT. XXIX. *And be it further enacted by the authority aforesaid,* That the electors residing in Brothers valley and part of Stony creek townships, in the county of Somerset, which forms an election district, shall hold their general elections at the house now occupied by John Kimmel, esquire, in the town of Berlin, in said district.
- Same. SECT. XXX. *And be it further enacted by the authority aforesaid,* That the electors of the township of Conemaugh, in the county of Somerset, shall hold their general elections at the house now occupied by Nicholas Kime, in said township.
- In Venango county. SECT. XXXI. *And be it further enacted by the authority aforesaid,* That the townships of Irwin and Scrubgrass, in the county of Venango, be and they are hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Robert Donaldson, senior, in the township of Scrubgrass; and the electors of that part of Sandy creek township who formerly elected in South Irwin district, shall hereafter hold their general elections at the court-house in the town of Franklin.
- In Washington county. SECT. XXXII. *And be it further enacted by the authority aforesaid,* That the electors residing in the bounds of the Fifth election district in the county of Washington, shall hold their general elections at the school-house in Burgetstown, in said district.
- Same. SECT. XXXIII. *And be it further enacted by the authority aforesaid,* That the electors residing within the bounds of the Tenth election district, in the county of Washington, shall hold their general elections at the house now occupied by Samuel Sayers, in the town of Amity, in said district.
- In Wayne county. SECT. XXXIV. *And be it further enacted by the authority aforesaid,* That the township of Delaware, in the county of Wayne, be and the same is hereby erected into a separate election district, and the

electors thereof shall hold their general elections at the house now occupied by Alexander Vangordon, in said township. 1809.

SECT. XXXV. *And be it further enacted by the authority aforesaid, Same.* That the township of Middle-Smithfield, in the county of Wayne, be and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by John Coolbaugh, in said township.

Passed 4th April, 1809.—Recorded in Law Book No. XI. page 383.

CHAPTER MMMCV.

An ACT changing the terms for holding the courts in the circuit of the sixth district, it being supplementary to an act, entitled “An act to alter the Judiciary System of this Commonwealth.”

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the publication of this act, the arrangement of the terms in the circuit of the sixth district, shall be fixed in the following manner, to wit: That after the next September term to be held under the authority of the act, entitled “An act to alter the judiciary system of this commonwealth,” passed the twenty-fourth day of February, one thousand eight hundred and six, that instead of commencing the circuit of the said district, at the town of Butler, in the county of Butler, on the first Mondays in December, March, June, and September, the circuit of the sixth district shall after the said September term be held, and commence at the town of Franklin, in the county of Venango, on the first Mondays in November, February, May and August; in the county of Butler, on the second Mondays of the same months; in the county of Mercer on the third Mondays of the same months; in the county of Crawford on the fourth Mondays of the same months; and in the county of Erie on the Mondays succeeding the commencement of the courts in the county of Crawford.

Terms for holding courts in the 6th Judicial district, altered.

Passed 4th April, 1809.—Recorded in Law Book No. XI. page 387.

CHAPTER MMMCVI.

An ACT supplementary to an act, entitled “An act to alter and amend the several laws of this commonwealth relative to domestic attachments.” [Vol. 4, pa. 479.]

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the proviso to the first section of an act, entitled “An act to alter and amend the several laws of this commonwealth relative to domestic attachments,” passed on the eighteenth day of December,

Proviso to the 1st section of the domestic attachment law repealed.

1809. one thousand eight hundred and seven, be, and the same is hereby repealed and made void; and that the oath required by the first section of said act, shall be administered either by the prothonotary of the court, or before a justice of the peace, as the case may require.

Oath may be administered by the prothonotary or a justice of the peace. Any judge, &c. may administer the oath to the trustees.

SECT. II. *And be it further enacted by the authority aforesaid,* That any judge, alderman or justice of the peace within this commonwealth, shall be competent to administer the oath to the trustees appointed under the third section of the above recited act.

Passed 4th April, 1809.—Recorded in Law Book No. XI. page 387.

CHAPTER MMMCVII.

An ACT authorizing a review of the state road leading from Beaver-town, in the county of Beaver, to Waterford in the county of Erie.

Courts of Quarter Sessions of Beaver and Mercer counties to appoint viewers, &c.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the Court of Quarter Sessions of Beaver and Mercer counties respectively, be, and they are hereby authorized to appoint six disinterested and reputable freeholders, to view such part of the state road laid out from Beaver town in Beaver county, to Waterford, in Erie county, as passes through the said counties of Beaver and Mercer respectively, and if on the report of the said viewers, or any five of them, to the court by whom they were appointed, making any alteration in the route or width of the said road, the court should approve and confirm the same, a draft of the courses and distances of such alterations shall be filed in the office of the clerk of said court, and a duplicate thereof transmitted to the secretary of the commonwealth, and the said road so laid out shall thereafter be part of the state road aforesaid, and that part rendered unnecessary thereby shall be vacated. And the expense of the viewers shall be paid by warrants drawn by the commissioners on the treasury of Beaver and Mercer counties respectively.

Copies of alterations to be made therein to be filed, &c.

Viewers of the road from Mercer to Meadville to be appointed.

SECT. II. *And be it further enacted by the authority aforesaid,* That the Courts of Quarter Sessions of the Peace for the counties of Mercer and Crawford, are hereby authorized and empowered to appoint such a competent number of fit persons as the said courts shall deem necessary, to review and make such alterations as shall be thought most eligible in the state road lately laid out from the town of Mercer, in the county of Mercer, to the town of Meadville, in the county of Crawford, in the following manner, *to wit:* That the viewers who shall be appointed in pursuance of this act shall meet on a day certain to be mentioned and fixed on by the courts at that place where the post road which leads from the town of Mercer to the town of Meadville, crosses the line which divides the said counties, and from thence or as near thereto on the said line as under all circumstances and prudential considerations as shall be thought most beneficial; the viewers appointed for their respective

When the viewers are to meet.

Their duties.

counties, shall review and lay out a road from the place they shall fix upon on the line that divides the said counties to their respective seats of justice as they shall judge most judicious, both with respect to public utility and an economical application of the sums appropriated under the authority of the original act, and it shall be the duty of the persons to be appointed as aforesaid, after they shall have reviewed and laid out the parts of the said road which lies within the respective counties to make out at least two plans or draughts of the parts laid out, one of which shall be deposited in the prothonotary's office, and the other in the commissioners office of the respective county.

1809.

Draughts or plans to be deposited, and where.

Justices of the Courts of Quarter Sessions to give relief in certain cases.

SECT. III. *And be it further enacted by the authority aforesaid,* That the justices of the Courts of Quarter Sessions of each of the respective counties in this commonwealth, mentioned in the act, entitled "An act making appropriations for the improvement of certain roads in the western counties, and authorizing the courts of the respective counties to appoint fit persons to view and lay out the same," passed the tenth day of April, one thousand eight hundred and seven, shall have full power and authority in all cases in which any person or persons who shall allege that he, she or they shall sustain damage in pursuance of any road laid out under the authority of the said act as respects its width or oblique direction through or over any in or out-lot in the vicinage of any towns mentioned in the said act, or any other improvement; that on any such person or persons petitioning any of the respective courts stating in a plain intelligible manner in which any such petitioner may be affected in his or their buildings or other improvements, the Courts of Quarter Sessions of the respective counties named in the aforesaid act shall have authority to exercise such powers in giving relief to any person or persons who has or may suffer unreasonable damage by any road laid out by virtue of the said act, as they have or may lawfully exercise under the authority of an act, entitled "An act for laying out and keeping in repair the public roads and highways within this commonwealth, and for laying out private roads," passed the sixth day of April, one thousand eight hundred and two.

Passed 4th April, 1809.—Recorded in Law Book No. XI. page 387.

CHAPTER MMMCVIII.

An ACT to continue in force an act, entitled "An act to provide for the payment of certain balances of purchase money yet due, and remaining charged on lands which have been patented on warrants which have been obtained since surveys were originally made, in pursuance of old proprietary warrants and locations, and for other purposes," and an act, entitled "An act regulating and continuing the distribution of donation land."

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the act, entitled "An act to provide for the payment of certain ba-

Parts of a certain act of assembly extended.

1809. lances of purchase money yet due and remaining charged on lands which have been patented on warrants which have been obtained since surveys were originally made, in pursuance of old proprietary warrants and locations, and for other purposes;" and all matters and things therein contained be, and the same is hereby continued in force until the first day of April, in the year one thousand eight hundred and twelve, (the limitation clause only excepted.)

And also the first section of the act for regulating the distribution of donation lands.

SECT. 11. *And be it further enacted by the authority aforesaid,* That the first section of the act, entitled "An act regulating and continuing the distribution of donation lands," passed March twenty-fifth, one thousand eight hundred and five, and all matters and things therein contained be, and the same is hereby continued in force until the first day of April, one thousand eight hundred and ten.

Passed 4th April, 1809.—Recorded in Law Book No. XI. page 389.

CHAPTER MMMCIX.

An ACT granting an annuity to Hugh Quay.

SECT. 1. [AN annuity of forty dollars to be paid to Thomas Bodley for the use of Hugh Quay. How to be expended and accounted for.]

Passed 4th April, 1809.—Recorded in Law Book No. XI. page 389.

CHAPTER MMMCXI.

An ACT granting an annuity to George Blakely.

SECT. 1. [FORTY dollars to be paid to John Colemery for the use of George Blakely. An annuity of like amount to be paid half yearly to Thomas Forgry for the use aforesaid. Said Forgry to account to the Orphans' Court, for the expenditure of the money.]

Passed 4th April, 1809.—Recorded in Law Book No. XI. page 390.

CHAPTER MMMCXII.

[Vol. 4, p. 262.]

A SUPPLEMENT to and repealing part of an act, entitled "An act to encourage the patenting of lands and for other purposes."

SECT. 1. [CERTAIN parts of the act of April fourth, one thousand eight hundred and five, repealed for a time. (Obsolete.)]

The act abolishing the office of receiver-general, &c. not to affect the payment of certain fees.

SECT. 11. *And be it further enacted by the authority aforesaid,* That the provision contained in the act, entitled "An act abolishing the offices of receiver-general and master of the rolls, and transferring the duties therein performed to other offices, and for other purposes," passed March the twenty-ninth, one thousand eight hundred and nine, shall not be understood in any manner to lessen, al-

ter or affect the payment of the surveying fees directed to be paid by Connecticut settlers, by the fifth section of the act, entitled, "An act for offering compensation to the Pennsylvania claimants of certain lands within the seventeen townships in the county of Luzerne, and for other purposes therein mentioned," passed April fourth, one thousand seven hundred and ninety-nine.

Passed 4th April, 1809.—Recorded in Law Book No. XI. page 391.

CHAPTER MMMCXIII.

An ACT to validate and confirm the proceedings of certain justices of the peace in the counties of Beaver, Butler, Crawford, Erie, Mercer, Venango and Warren, in cases therein mentioned.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* all acknowledgments of deeds, powers of attorney and other instruments of writing, all marriages prior to the first day of November, one thousand eight hundred and eight, before justices of the peace who had been commissioned for districts within the county of Allegheny, which were included within the counties of Beaver, Butler, Crawford, Erie, Mercer, Venango and Warren, by the act or acts of Assembly for erecting the said county or counties of Beaver, Butler, Crawford, Erie, Mercer, Venango and Warren, into separate county districts, so far as the same have not prior to the passing of this act been set aside in any superior court, be and they are hereby declared to be as valid and effectual, to all intents and purposes as if the said act or acts of Assembly had not been passed, or as if the said justices had been appointed and commissioned for the said county or counties of Beaver, Butler, Crawford, Erie, Mercer, Venango and Warren respectively.

Certain acts of justices of the peace in the counties of Beaver, Butler, Crawford, Erie, Mercer, Venango and Warren, validated.

Passed 4th April, 1809.—Recorded in Law Book No. XI. page 392.

CHAPTER MMMCXIV.

An ACT to authorize the governor to appoint commissioners for the purpose of laying out a state road from the southern turnpike road in the county of Somerset or Westmoreland, to intersect the United States turnpike road from Cumberland to Wheelen in the county of Fayette, and to appoint commissioners for the purpose of laying out a state road from the town of Indiana, in the county of Indiana, to intersect the state road leading from Milesburg to Le Boeuff between the mouth of Anderson's creek in Clearfield county, and Milesburg in Centre county.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the governor be and he is hereby authorized to appoint three disinterested commissioners one of whom shall be a practical surveyor, but

The governor to appoint certain commissioners to lay out a road, &c.

1809. neither of them shall be an inhabitant of Somerset, Westmoreland or Fayette counties, to lay out and mark a state road from the southern turnpike road in the county of Somerset and Westmoreland, to intersect the United States turnpike road from Cumberland to Wheelen in the county of Fayette, by the nearest and best route for a public road, which shall appear to be most advantageous to the state ; and the said commissioners, or a majority of them, shall proceed to perform the said service at such time as the Governor shall direct, and shall cause a draught of the said road to be deposited in the office of the secretary of the commonwealth together with their opinion annexed of the amount of an appropriation of money which they shall think will be requisite for the purpose of opening the said road, and shall also deposit a copy of said draught in the office of the clerk of the Court of Quarter Sessions of the respective counties through which said road may pass, which shall be a record of the said road, and from henceforth shall be to all intents and purposes a public highway, and shall be kept in repair as other roads laid out by order of the Court of Quarter Sessions are in said counties.

Who shall cause a draught of the road to be deposited in the office of the secretary of the commonwealth, &c.

SECT. II. *And be it further enacted by the authority aforesaid,* That each of the said commissioners before they enter on the duty of their appointment, shall take and subscribe before some justice of the peace an oath or affirmation faithfully and impartially to perform the duties required of them by this act ; and they shall receive two dollars for each day they shall be necessarily employed in the said work, together with a reasonable allowance for chain-carriers and other hands that may be found necessary to carry this act into effect ; and the accounts of said commissioners and others employed in laying out said road, shall be adjusted and settled by the accountant officers in the usual manner, and the expense thereof paid by the state treasurer out of any money in the treasury not otherwise appropriated.

Commissioners to take an oath or affirmation.

Their compensation.

SECT. III. *And be it further enacted by the authority aforesaid,* That the governor be and he is hereby authorized to appoint three commissioners to lay out and mark a state road, beginning at the town of Indiana in the county of Indiana, the nearest and best route to intersect the state road leading from Milesburg in Centre county, to Le Boeuff in Erie county, between the mouth of Anderson's creek in Clearfield county, and Milesburg in Centre county ; and the commissioners so appointed shall proceed to perform said service at such time as the governor shall direct, and shall cause a draft of said road to be deposited in the office of the secretary of the commonwealth, and shall also deposit a copy of said draft in the office of the clerk of the court of Quarter Sessions of the respective counties of Centre and Indiana.

Three commissioners to be appointed by the governor to lay out a road from the town of Indiana, &c.

Their duties.

And compensation.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the said commissioners shall employ a surveyor and hands necessary to survey, chain and mark said road, and the commissioners and surveyor shall each receive two dollars, and the chainers and markers shall receive each one dollar, for each day they shall be necessarily employed in laying out, surveying, chaining and marking said road, and the accounts of the said commissioners and others employed in laying out said road, shall be adjusted and settled by

the accountant officers in the usual manner, and the expense thereof paid by the state treasurer out of any money in the treasury not otherwise appropriated. 1809.

Passed 4th April, 1809.—Recorded in Law Book No. XI. page 395.

CHAPTER MMMCXV.

An ACT to alter and amend an act entitled “An act directing the mode of selling unseated land for taxes.” [Vol. 4, p. 201.]

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the first day of September next, the several powers vested in and duties enjoined on the respective sheriffs, by the act to which this is a supplement, shall be transferred to and performed by the county treasurers respectively, under the same obligations and restrictions to which the said sheriffs are by law subjected, and the sales to be by them made in consequence of the transfer aforesaid, shall be as valid in law as sales made by the sheriffs aforesaid, and so much of any law as is hereby altered or supplied, be and the same is hereby repealed.

Certain duties heretofore performed by sheriffs, transferred to county treasurers,

SECT. II. *And be it further enacted by the authority aforesaid, That* the fees to be received by the respective county treasurers for the services aforesaid, other than the expense of advertising, shall be as follows: to wit,

Fees by them to be received.

For selling every tract of land or part thereof, as the case may require, twenty-five cents.

For writing and signing every deed, one dollar and fifty cents.

For acknowledging every deed, twenty-five cents.

For writing and filing* every bond to secure the purchase money, twenty-five cents.

Passed 4th April, 1809.—Recorded in Law Book No. XI. page 392.

CHAPTER MMMCXVI.

An ACT to provide for the education of the poor gratis.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* it shall be the duty of the commissioners of the several counties within this commonwealth, at the time of issuing their precepts to the assessors, annually to direct and require the assessor of each and every township, ward and district, to receive from the parents the names of all the children between the ages of five and twelve years, who reside therein, and whose parents are unable to pay for

Assessors to return the names of certain children whose parents are unable to pay for their education.

* “filling” in the original.

1809.

Proceedings
by the com-
missioners
thereon.

Assessors to
inform the
parents
whose chil-
dren are to
be taught
gratis.

Penalty for
neglect.

Proviso.

Duties of
teachers.

How com-
pensated.

their schooling; and the commissioners when they hold appeals, shall hear all persons who may apply for alterations or additions of names in the said list, and make all such alterations as to them shall appear just and reasonable, and agreeably to the true intent and meaning of this act; and after adjustment, they shall transmit a correct copy thereof to the respective assessor, requiring him to inform the parents of the children therein contained, that they are at liberty to send them to the most convenient school, free of expense; and the said assessor, for any neglect of the above duty, shall forfeit and pay the sum of five dollars, to be sued for by any person, and recovered as debts of that amount are now recoverable, and to be paid into the county treasury for county purposes: *Provided always*, That the names of no children whose education is otherwise provided for, shall be received by the assessor of any township or district.

SECT. II. *And be it further enacted by the authority aforesaid*, That the said assessor shall send a list of the names of the children aforesaid, to the teachers of schools within his township, ward or district, whose duty it shall be to teach all such children as may come to their schools, in the same manner as other children are taught; and each teacher shall keep a day-book, in which he shall enter the number of days each child entitled to the provisions of this act shall be taught; and he shall also enter in said book, the amount of all stationary furnished for the use of said child, from which book he shall make out his account against the county, on oath or affirmation, agreeably to the usual rates of charging for tuition in the said school, subject to the examination and revision of the trustees of the school where there are any; but where there are no trustees, to three reputable subscribers to the school, which account, after being so examined or revised, he shall present to the county commissioners, who, if they approve thereof, shall draw their order on the county treasurer for the amount, which he is hereby authorized and directed to pay out of any monies in the treasury.

Passed 4th April, 1809.—Recorded in Law Book No. XI. page 392.

CHAPTER MMMCXVII.

[Vol. 4, pa.
413.]

A further SUPPLEMENT to an act, entitled "An act for the regulation of the militia of the commonwealth of Pennsylvania."

WHEREAS great inconveniences and hardships arise out of the present law regulating the militia of this commonwealth, to the enrolled militia south of Loyalsock creek, in Lycoming county, composing the second battalion of the first regiment and tenth division aforesaid, now commanded by Major Arthur McKisson, inasmuch as a great portion of them have not only to cross the river and several large streams of water, but have to travel from twenty to thirty miles, to Williamsport, their usual place of regimental meeting: Therefore,

Provision in
favour of the
second bat-

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That*

from and after the passing of this act, the battalion aforesaid, shall meet within their battalion bounds on the same days as are prescribed by the act to which this is a supplement. 1809.

SECT. II. *And be it further enacted by the authority aforesaid,* That the collectors of taxes throughout this commonwealth, shall receive five per cent. on all monies by them collected as exempt fines, which shall be allowed to the county treasurers, in the settlement of their accounts with the auditor general. Provision in favour of the first battalion of the 136th regiment. Five per cent. allowed on the collection of exempt fines.

SECT. III. *And be it further enacted by the authority aforesaid,* That the enrolled militia composing the first battalion of the one hundred and thirty-sixth regiment, shall exercise in the following manner, to wit: On the days appointed by law for regimental and battalion trainings, in the months of May and October, the first and fourth companies of said regiment shall meet together, and exercise at some central place, and the fifth and eighth companies shall meet on the following day, at some other place; the places for exercising to be fixed by the field officers of the regiment, and to be subject to the same fines, penalties and regulations, as if they trained by regiments; and it shall be the duty of the proper brigade-inspector, before the first day of May next, to give at least ten days notice, and proceed to hold elections for the purpose of electing one major to command said battalion. The brigade-inspector shall give notice to the first and fourth companies, that an election is to be held for the purpose of electing a major within the bounds of said companies, and on the following day to hold an election within the bounds of the fifth and eighth companies, and the person having the greatest number of votes in the battalion shall be major of said battalion, whose duty it shall be to attend and train the said battalion as is directed by this act. Provision in favour of the first battalion of the 136th regiment.

SECT. IV. *And be it further enacted by the authority aforesaid,* That so much of the act to which this is a supplement as is hereby altered or supplied, be, and the same is hereby repealed. Repeal of parts of former acts.

Passed 4th April, 1809.—Recorded in Law Book No. XI. page 393.

A C T S

OF THE

General Assembly of Pennsylvania.

Passed at a session which was begun and held at Lancaster on the 5th day of December, 1809, and ended on the 20th of March, 1810.

1809. SIMON SNYDER, GOVERNOR.

PRESLY CARRLANE & ABNER LACOCK,

SPEAKERS OF THE SENATE.

JAMES ENGLE & JOHN WEBER, SPEAKERS OF THE HOUSE OF REPRESENTATIVES.

CHAPTER MMMCXIX.

(Ante. pa.
45.)

An ACT supplementary to the act, entitled "An act abolishing the offices of Receiver General and Master of the Rolls, and transferring the duties therein performed to other offices and for other purposes: passed the twenty-ninth day of March, one thousand eight hundred and nine.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, no fee shall be received in the surveyor general's office for filing and directing a warrant, and that the whole amount of the money to be paid on issuing, filing and directing the same, shall in no case exceed the sum of four dollars and fifty cents.*

Fees to be
taken in the
office of the
surveyor
general.

SECT. II. *And be it further enacted by the authority aforesaid, That in all applications at the land office for warrants, hereafter to be granted by the state, the person making application or his agent, may at their own election, pay the interest on the purchase money accrued previously to the date of the warrant, either at the time the purchase money shall be paid, or after the return of survey shall have been made and before the issuing of the patent.*

When the in-
terest on cer-
tain purchase
monies may
be paid.

SECT. III. *And be it further enacted by the authority aforesaid, That in all cases of warrants issuing hereafter, where the return of survey shall have been previously made on proprietary locations, and whereon a warrant commonly called a warrant of acceptance shall issue, the price of said warrant shall be two dollars.*

Price of cer-
tain warrants
to be two
dollars.

SECT. IV. *And be it further enacted by the authority aforesaid,* 1810. Where part of the fees is previously paid, the same to be deducted out of the price of the patent.
 That in all applications made at the land office for patents, previous to the commencement of the operation of the act to which this is a supplement, and where a part of the fees was paid, the secretary of the land office is hereby authorized and directed to deduct the same from the price of the patent, and to issue the patent on the payment of the balance into the treasury.

SECT. V. *And be it further enacted by the authority aforesaid,* Repealing section.
 That so much of any act or acts as is altered or supplied by the provisions of this act, be, and the same is hereby repealed.

Passed 25th December, 1809.—Recorded in Law Book No. XII. page 1.

CHAPTER MMMCXX.

An ACT to enable Charles Biles of Chester county, to sell and convey a certain piece of land therein mentioned.

SECT. 1. [CHARLES BILES authorized to sell thirty-five acres of land in Bucks county, for the benefit of his four minor children, the same being the estate of his wife, late Sarah Wamsley, deceased, and to vest the proceeds in good real security for the benefit of the minors respectively, as is directed by the intestate laws; and to enter into a recognizance, with sufficient security, before the Orphans' Court of Chester county, for the faithful execution of the trust.]

Passed 17th January, 1810.—Private Act.—Recorded in Law Book No. XII. page 1.

CHAPTER MMMCXXI.

An ACT for the relief of Patty Hyway (alias Patty Taylor.)

SECT. 1. [A SMALL personal estate of Peter Franklin (alias Peter Hyway, an illegitimate son of Patty Hyway) who died intestate and without issue; whereby the estate escheated to the commonwealth; and the said Patty Hyway, being aged, infirm and poor, the right of the commonwealth is by this act vested in the said Patty Hyway, and is directed to be paid to a trustee therein named, for her use subject to all just liens, debts, claims and demands.]

Passed 17th January, 1810.—Public personal act.—Recorded in Law Book No. XII. page 4.

CHAPTER MMMCXXII.

An ACT to confer on Patrick Julius Bujac, and Matthew Lachausee Bujac, the rights and benefits of children, born in lawful wedlock.

SECT. 1. [JOHN LACHAUSSEE BUJAC, a native of France, who had become a citizen of the United States, resident in

1810. Pennsylvania, had the two children, Patrick and Matthew by Celeste Robin, a native of St. Domingo, before his inte marriage with the said Celeste, now his wife. The preamble states the object of the act, to introduce harmony and equality among the children of the same family.]

Passed 17th January, 1810.—Private act.—Recorded in Law Book No. XII. page 5.

CHAPTER MMMCXXIII.

An ACT to declare Muncy Creek and its branches, in the county of Lycoming, public highways.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Muncy Creek, in the county of Lycoming, and its branches : to wit, from the mouth thereof up to the mouth of Beaver creek, on the east branch, and from the mouth of the north branch up the same as far as Elk Lick, shall be and the same are hereby declared public highways for the passage of rafts, boats, and other vessels under limitations and restrictions hereinafter specified, and it shall and may be lawful for the inhabitants desirous of using the navigation of said waters, to remove all natural and artificial obstructions from the waters within the aforesaid described bounds, excepting dams for mills, and other water works, and to erect such slopes or locks, and to keep the same in repair at the mill-dams now built, as may be necessary for the passage of rafts, boats or other vessels: Provided, Such slopes or locks be so constructed as not to injure the works of said dams.*

SECT. II. *And be it further enacted by the authority aforesaid, That any person or persons owning or possessing lands on said creek, or its branches, shall have liberty to erect any dam or dams across the same agreeably and subject to all the restrictions and provisions of an act of the general assembly of this commonwealth, passed on the twenty-third day of March, one thousand eight hundred and threc, entitled "An act to authorize any person or persons owning lands adjoining navigable streams of water, declared public highways, to erect dams upon such streams for mills and other water works."*

Passed 30th January, 1810.—Recorded in Law Book No. XII. page 5.

CHAPTER MMMCXXIV.

An ACT to alter the time of holding the courts of Quarter Sessions and Common Pleas, in the county of Westmoreland.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That*

Muncy creek and its branches, &c. declared public highways.

Owners of lands on the banks of said creeks, to have the power of erecting dams, &c.

from and after the next March term, in the county of Westmoreland, the courts of Quarter Sessions and Common Pleas, shall commence and be holden in said county on the Mondays next preceding the courts in Somerset county, any law or laws to the contrary notwithstanding.

Passed 30th January, 1810.—Recorded in Law Book No. XII. page 6.

1810.
Courts of
Quarter Ses-
sions and
Common
Pleas in
Westmore-
land county,
when to be
held.

CHAPTER MMMCXXV.

An ACT to enable Charles Von Bonnhorst, an alien, to hold lands.

SECT. 1. [CHARLES V. BONNHORST, an alien, enabled to hold certain real estate, having declared his intention to become a citizen, &c. To purchase and hold any quantity of land not exceeding fifteen hundred acres in addition thereto.]

Passed 30th January, 1810.—Recorded in Law Book No. XII. page 6.

CHAPTER MMMCXXVIII.

An ACT for the election of Constables in the city of Philadelphia.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the electors in each ward, in the city of Philadelphia, shall annually on the third Friday of March, at such place within each ward, as the constable for the time being shall appoint, elect by ballot, two persons, one of whom shall be appointed constable for the said ward for the ensuing year, and it shall be the duty of the constable for the time being, to give public notice in two of the daily papers printed in said city, at least six days previous to such election, of the time and place, where said election is to be held; and on failure thereof, he shall pay a fine of ninety-five dollars, to be recovered as debts now are, under the one hundred dollar act.

Constables to
be chosen in
each ward of
the city.

SECT. II. *And be it further enacted by the authority aforesaid, That* the voters present at the opening of the election, shall choose three persons who shall be judges of the said election, and who shall respectively take an oath or affirmation to perform said duty, with uprightness and fidelity, and who shall, on the third day thereafter, make a return of the two names highest in votes to the mayor of the city, whose duty it shall be to appoint one of them.

Judges of the
election to
be chosen.

SECT. III. *And be it further enacted by the authority aforesaid, That* each and every of the constables who may be hereafter appointed in the several wards of the city of Philadelphia, shall, before they enter on the duties of said office, become bound in an obligation to the mayor with two securities, who are freeholders, and who shall be approved of by him jointly and severally, in the sum of two thousand dollars, conditioned for the faithful discharge of the duties of the said office in trust, for the use and benefit of all and every person or persons, who may be injured or aggrieved by the

Duty of the
mayor.

Constables
appointed to
give securi-
ty, &c.

1810. neglect or improper conduct of the said constable in business appertaining to his office.

When the election shall open, &c.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the said election shall open at two o'clock in the afternoon, and continue until ten in the evening.

In cases of vacancy, &c. the mayor to appoint.

SECT. V. *And be it further enacted by the authority aforesaid,* That in cases of vacancy occasioned by death, resignation or otherwise, the mayor shall appoint a suitable person as constable, until the ensuing annual election, after having first obtained the security required by the third section of this act.

Passed 30th January, 1810.—Recorded in Law Book No. XII. page 9.

CHAPTER MMMCXXIX.

An ACT enabling Joseph Williams, Committee of Clement Brown, a Lunatick, to sell and convey real estate.

SECT. 1. [THE lunatic having no personal estate, and his lands being unproductive, a sale became necessary to his maintenance. The committee is therefore authorized to sell the whole, or such parts of the real estate, as he may think proper, first entering into a recognizance, with sufficient security, before the Common Pleas of Philadelphia county, to dispose of the proceeds, after paying the lunatic's debts, if any, as will be most for the benefit of him and his heirs. At the death of the lunatic, the estate to go as the real estate would have done, if this act had not passed.]

Private act.—Passed 30th January, 1810.—Recorded in Law Book No. XII. page 10.

CHAPTER MMMCXXX.

An ACT to incorporate the Bible Society of Philadelphia.

SECT. 1. [THE society incorporated for the purpose of publishing and distributing gratuitously the Holy Scriptures among the poor, and such other description of persons as may be in need of these sources of Christian comfort and hope. 2. The clear yearly value or income of their whole estate, not to exceed ten thousand dollars. 3. Members to pay five dollars on admission, and two dollars yearly. Persons subscribing fifty dollars to be members during life. Twenty-four managers to be chosen annually, who shall choose a president, four vice presidents, two secretaries and a treasurer out of their own body. Seven to be a board for transacting all business, except the appropriation of money above three hundred dollars; when thirteen shall be necessary to constitute a board. To make by-laws, and keep an account of the receipts and disbursements of money, and lay the same annually before the society, and an abstract of their transactions, before the legislature, in the month of January, every year. A special meeting may be called

at any time by the managers. No devise or conveyance to be defeated by misnomer, if the description be sufficient to shew the intention—Nor shall any forfeiture be created by non user unless for a greater term than five years.]

1810.

Passed 30th January, 1810.—Recorded in Law Book No. XII, page 11.

CHAPTER MMMCXXXI.

An ACT to amend the Penal Laws.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, the robbery or larceny of any bank note or bank notes of any incorporated bank, shall be punishable in the same manner as the robbery or larceny of any goods or chattels of equal amount.*

(See vol. 2, pa. 531, and the notes thereto.)

The stealing of bank notes to be punished as robbery or larceny.

(See vol. 1, pa. 105.)

Passed 30th January, 1810.—Recorded in Law Book No. XII, page 13. (y)

(y) At the time of republishing this act, a bill has passed the Senate for the repeal of it. But it has not yet been acted upon in the house of representatives. It is however, highly probable, if not finally repealed, it will undergo considerable alteration, which will of course be seen in the latter part of this volume.

It is necessary however, to observe that the editor was mistaken in grounding this act upon the case in 1 Binney, 201, as stated in vol. 2, page 579, in the note. It had been decided in York county, by the late president Henry, that an indictment would not lie for stealing a bank note of the bank of Baltimore. This decision created considerable alarm, and soon after the act in the text was introduced into the house by a member from York county. There can, however, be little doubt, but that, by the particular wording of the act, the legislature designed to go further than merely to remedy the particular evil; and that the word "*incorporated*" was inserted with a precise view.

At November sessions, 1811, in Lancaster county, the *commonwealth v. Dentel*, the defendant was indicted for stealing certain bank notes, of the *Farmers' Bank of Lancaster*, stating the same to be an *incorporated bank*. President Franklin politely furnished the editor with the heads of his charge to the jury, which, after stating the facts, as they appeared in evidence, proceeded thus.

Supposing then that the defendant took the property mentioned in the in-

dictment, a question arises respecting the notes of the Farmers' Bank of Lancaster, whether the taking them will constitute a larceny.

As a preliminary to our opinion upon this point, I will read to you the sentiments of the judges of the Supreme Court delivered in the case of *Eve Spangler*, plaintiff in error, against the commonwealth, reported in the third volume of Mr. Binney's reports. (Here the judge read the report, which is also inserted in the notes, vol. 2, page 580, in part.)

Conformably to the decision in the case which I have just read, it is averred in the first count of the indictment now before us, that the notes stolen were the notes of an incorporated bank. It is not then a mere formal averment but that, or something equivalent thereto, is a very material allegation, and necessary to be proved to your entire satisfaction before a conviction can take place. For it is not an indictable offence to take or carry away any other bank notes than those of an incorporated bank.

The point, therefore, to be determined is, whether the Farmer's bank of Lancaster is an incorporated bank within the meaning and intention of the act of January 30th, 1810, on which the present indictment is founded. We have thus expressed ourselves because we are not desirous of discussing any matter of controversy not regularly or immediately before us. In this prosecution we think it unnecessary to say any thing upon the question relative to the

1810. legality or illegality of the banking operations of that institution generally. We confine our opinion, to the single question, whether the notes issued by it were within the contemplation of the "Act for amending the penal laws," which declares that the robbery or larceny of any bank note, or bank notes, of any incorporated bank shall be punishable in the same manner as the robbery or larceny of any goods or chattels of equal amount.

At the time this law was passed it is well known that there were a number of associations of individuals in different parts of the state formed for banking purposes. From the spirit manifested by all the proceedings and acts of the legislature which made the law in question, it is evident that these associations were very far from being favourites with that body. On the contrary, it is certain that they had become objects of alarm, and that the legislature shewed a strong disposition to throw every obstruction in their way, and if possible, to suppress them altogether. With respect to the Farmers' Bank in particular, it had, on application, refused them a special act of incorporation. With a full knowledge of these circumstances how is it to be presumed that the expressions used in this law could be intended to apply in such a manner as to *assist* instead of *impeding* the operations of those associations. In construing a law there can be no surer guide than the intention of the law makers to be collected from the law itself and others on the same or similar subjects, and a penal law is to receive a strict interpretation.

The intention of the makers of a statute, say the authorities, is at sometimes to be collected from the cause or necessity of making it, at other times from other circumstances. Whenever this can be discovered it ought to be followed with reason and discretion in the construction of the statute, although such construction seem contrary to the letter of the statute.

A thing which is even within the letter of a statute is not within the statute, unless it be within the intention of the makers. 6 Bac. Ab. 385.

In order to form a right judgment, whether a case be within the equity of a statute, it is a good way to suppose the law makers present, and that you

have asked them this question.—Did you intend to comprehend this case? Then you must give yourself such answer as you may imagine they, as upright and reasonable men, would have given. While you do no more than they would have done, you do not act contrary to the statute, but in conformity to it.

Now in the disposition shewn by the legislature who passed this act had they been asked whether they intended to comprehend the notes of the Farmers' Bank of Lancaster, or any other bank similarly circumstanced, can there be a doubt as to the answer which would have been given?

Without determining, therefore, any thing respecting the rights or claims of companies professing to act under a general law on the subject, the court are of opinion that the legislature so far from designing to comprehend such associations within the provisions of this act, have used the words "*incorporated banks*" in contradistinction to them, and as intended to apply exclusively to those institutions which had received a legislative sanction by special acts of incorporation. If this view of the question be correct the notes of the Farmers' Bank of Lancaster cannot be the subjects of larceny, and the defendant must be acquitted of that part of the charge which relates to them."

The president then closed his charge with the conclusion of the opinion of judge Yates, in *Eve Spangler's* case, 3 Binney, 538, as follows:

"We may be led by our sense of justice to regret the event of this prosecution; but we should carry in our minds the observation of Lord Mansfield, 4 Burr. 2082, "Tenderness ought always to prevail in criminal cases, so far at least as to take care, that a man may not suffer otherwise than by due course of law, nor have any hardship done him, or severity exercised upon him, where the construction may admit of a reasonable doubt or difficulty."—And again, in 4 Burr. 2532, "The court is bound to pronounce the law, as they think it is, always leaning to the favourable side where they doubt, for so says the law."

The jury, however, found the defendant guilty. But motions are depending or a new trial, and in arrest of judgment; no judgment is yet pronounced. (February 6th, 1812.)

CHAPTER MMMCXXXII.

1810.

An ACT affording immediate relief to Michael Mullen, and granting him an annuity.

SECT. 1. [FORTY dollars granted to Michael Mullen. And an annuity of like amount, &c. Fullerton Woods, &c. to make an annual return to the Orphans' Court.]

Passed 6th February, 1810.—Public personal act.—Recorded in Law Book No. XII. page 13.

CHAPTER MMMCXXXIII.

An ACT for the relief of John Scarlet.

SECT. 1. [THE right of John Scarlet to two tracts of land, in Little Britain township, Lancaster county, purchased at Sheriff's sale, by a trustee for his use, which trustee died, without executing a conveyance, is confirmed, as fully as if the sheriff's deed had been executed to the said Scarlet, instead of his trustee.]

Passed 6th February, 1810.—Private act.—Recorded in Law Book No. XII. page 14.

CHAPTER MMMCXXXV.

A SUPPLEMENT to an act, entitled "An act to erect the town of Connelsville in Fayette county, into a borough," and also a supplement to the act, entitled "An act to erect Union town in the county of Fayette, into a borough."

[SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the act, entitled "An act to regulate fences and to appoint appraisers in each township, in the counties of Bedford, Northumberland, Westmoreland, Washington and Fayette, and to encourage the raising of swine:"* passed the twenty-seventh day of March, one thousand seven hundred and eighty-four, be, and the same is hereby repealed so far as the same respects, and is in force in the boroughs of Connelsville and Union town, in the county of Fayette, agreeably to the present limits of the said boroughs.

Certain parts
of an act of
assembly re-
pealed.

(* Chap
1078.)

Passed 6th February, 1810.—Recorded in Law Book No. XII. page 16.

CHAPTER MMMCXXXVI.

An ACT declaring part of French creek, in Erie county, a public highway.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly*

1810. *met, and it is hereby enacted by the authority of the same, That French creek, in the county of Erie, from its junction with Le Bœuff creek to the saw-mill, now or formerly owned by Leverick Bissell, be, and the same is hereby declared a public highway for the passage of rafts, boats, and other vessels, and that it shall be lawful for the inhabitants desirous of using the navigation of the said creek, to remove all natural and artificial obstructions which may be in the same, excepting bridges, dams for mills, and other water works: Provided, That any person or persons owning or possessing lands on said creek, shall have liberty to construct any dam or dams, subject to all the restrictions and provisions of the act of assembly of this commonwealth, passed the twenty-third day of March, one thousand eight hundred and three, entitled "An act to authorize any person or persons owning lands adjoining navigable streams of water, declared public highways, to erect dams upon such streams for mills, and other water works."**

A certain part of French creek declared a public highway. Obstructions to be removed, &c.

Proviso.

[* Chap. 2342.]

Passed 12th February, 1810.—Recorded in Law Book No. XII. page 16.

CHAPTER MMCXXXVII.

An ACT to authorize and empower Lewis Rush of the city of Philadelphia, to sell and convey a certain piece of ground therein mentioned.

[LEWIS RUSH is by this act authorized to convey to the company for building a bridge over Schuylkill, at the flat rock, so much of the land devised to his minor children by George Marshall, deceased, as shall be necessary to enable the company to effectuate the object of their incorporation. The proceeds to be vested in some productive fund for the benefit of the minors. Lewis Rush to give security, &c. with a saving of the rights of other persons.]

Passed 12th February, 1810.—Private Act.—Recorded in Law Book No. XII. page 17.

CHAPTER MMCXXXIX.

An ACT establishing the name of Augustine Demetrius Gallitzen.

[AUGUSTINE DEMETRIUS GALLITZEN, having assumed the name of Smith, and by that name having been naturalized, is authorized to reassume his former name, and entitled to like privileges and immunities, as if he had been naturalized under the name of Gallitzen.]

Passed 12th February, 1810.—Private Act.—Recorded in Law Book No. XII. page 18.

CHAPTER MMMCXL.

1810.

An ACT to authorize Ulrich Kissinger of Berks county, to erect a toll bridge over the river Schuylkill, at his mill, where the road leading from the borough of Reading through Bern township to Sunbury, crosses the said river.

SECT. 1. [ULRICH KISSINGER empowered to erect a bridge over the river Schuylkill, &c. Property thereof vested in said Ulrich Kissinger. Rates of toll prescribed. Said Kissinger not to erect the bridge on any land without the owner's consent. Nor to obstruct the navigation of the river: *Provided*, That persons in the militia, on days of training, or of military procession, or persons attending funerals or religious worship, shall have the privilege of passing over the bridge toll free. 2. Limitation of the grant, and penalty on suffering the bridge to be out of repair. 3. And for exacting illegal tolls. How recoverable: with appeal to the next sessions for persons aggrieved.]

Passed 12th February, 1810.—Recorded in Law Book No. XII. page 19.

CHAPTER MMMCXLI.

An ACT to erect the town of Washington, in the county of Washington, into a borough.

SECT. 1. [TOWN of Washington erected into a borough. Bounds thereof described. A chief burgess and five assistants to be chosen annually on the 2d Monday of April, by the taxable inhabitants, having one year's previous residence. The borough officers to be freeholders in the borough. 2. The borough officers to be elected on the second Monday in April, annually. 3. The constable to give notice of the time, &c. for holding the election. Duplicate certificates of elections to be signed, and one transmitted to the clerk of the Court of Quarter Sessions of the county, and the other to be filed among the records of the corporation. When two are equal in votes, the Court of Quarter Sessions to declare which shall be chief burgess. Court authorized in certain cases to appoint borough officers. 4. Powers of the burgesses, to make by-laws, &c. No taxes to exceed a half cent in a dollar, &c. 5. The burgesses, &c. to be a body politic, &c. by the style and title of "The Burgesses and Inhabitants of the borough of Washington, in the county of Washington," with the usual corporate powers and privileges. 6. Penalty on any person refusing to serve, &c. when elected. Appeal granted to the next Court of Common Pleas, on petition of the party aggrieved to the court. 7. Qualification of the borough officers prescribed, and to be administered by an associate judge, or justice of the peace of Washington county.]

Passed 12th February, 1810.—Local Act.—Recorded in Law Book No. XII page 21.

1810.

CHAPTER MMMCXLII.

A SUPPLEMENT to the act, entitled "An act for the improvement of the state."

SECT. 1. [PAYMENT for seventy shares of stock directed to the Easton and Wilkes-Barre turnpike road company. 2. That the 26th section of the Easton and Wilkes-Barre turnpike road act, repealed.]

Passed 10th February, 1810.—Recorded in Law Book No. XII. page 24.

CHAPTER MMMCXLIII.

An ACT to continue an act, entitled "An act to incorporate the subscribers to the Bank of Pennsylvania," and for other purposes.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the act, entitled "An act to incorporate the subscribers to the Bank of Pennsylvania;" passed the thirtieth day of March, one thousand seven hundred and ninety-three, together with all acts now in force, supplementary to, and connected with the said act, be continued in full force and virtue, and in all its parts for the term of twenty years, from and after the fourth day of March, one thousand eight hundred and thirteen, as if the present period of its extension were a part of the above recited act, subject nevertheless to the modifications and restrictions hereinafter mentioned: Provided, That the governor shall be allowed by the said corporation to subscribe at par, on behalf of this commonwealth, for one thousand two hundred and fifty of the reserved shares in the said bank, at any time after the passing of this act, and also for the same number of shares aforesaid at par, at any time after the expiration of ten years, from and after the fourth day of March, one thousand eight hundred and thirteen.*

SECT. II. *And be it further enacted by the authority aforesaid, That all notes or obligations of the Bank of Pennsylvania, issued at its branches shall be payable at the said bank as well as at the branch where they issued.*

SECT. III. *And be it further enacted by the authority aforesaid, That the said president, directors and company, be, and they are hereby authorized to lend to the government of the United States, any sum or sums of money not exceeding in the whole the sum of five hundred thousand dollars, at any time after the passing of this act, and the stock, rights or evidences of said debt, to sell and dispose of whenever the said president, directors and company shall deem such sale necessary or useful.*

SECT. IV. *And be it further enacted by the authority aforesaid, That the stock of the said corporation shall not be assignable or transferable to any person except citizens of the United States, from and after the fourth day of March next.*

(Original act, vol. 3. pa. 97.)

The act to incorporate the subscribers to the Pennsylvania Bank, extended.

The governor to be permitted to subscribe for 1250 of the reserved shares at par. And for a like number at any time after ten years.

The president, &c. authorized to lend to the U. S. &c. And to dispose of the evidences of the said debt.

The stock not assignable to any but citizens of the U. S.

SECT. V. *And be it further enacted by the authority aforesaid,* 1810.
 That if any note or bill drawn or accepted, payable and discounted
 at any office of discount and deposit, which now is or may hereafter
 be established by the said corporation, shall be sent to be protested
 for non-payment, the notary public, or other proper officer, shall
 leave notice thereof at the office of discount and deposit aforesaid,
 at which such note or bill has been made payable, and such notice
 shall be considered the legal notice of protest, any law or usage to
 the contrary notwithstanding.

Notice of a
 note to be
 protested to
 be given.

Passed 14th February, 1810.—Recorded in Law Book No. XII. page 25.

CHAPTER MMCXLVI.

*An ACT establishing the seat of government of the commonwealth
 of Pennsylvania, at Harrisburgh, in the county of Dauphin.*

SECT. I. *BE it enacted by the Senate and House of Represen-*
tatives of the commonwealth of Pennsylvania, in General Assembly
met, and it is hereby enacted by the authority of the same, That
 within the month of October, one thousand eight hundred and
 twelve, all the offices attached to the seat of government of this
 state, shall be removed to the borough of Harrisburgh, in the coun-
 ty of Dauphin, by their respective holders, and shall after that pe-
 riod cease to be exercised elsewhere, at which said borough of Har-
 risburgh, the session of the legislature next thereafter ensuing as
 well as all future sessions shall be held, and the said borough of
 Harrisburgh is hereby fixed and declared to be the seat of govern-
 ment of the said commonwealth.

The state of-
 fices to be
 removed to
 Harrisburgh
 in the year
 1812.

By whom.
 Legislature
 to meet at
 said place
 and at said
 time.
 Harrisburgh
 declared to
 be the seat of
 government.

SECT. II. *And be it further enacted by the authority aforesaid,*
 That the secretary of the commonwealth, state treasurer, auditor-
 general, secretary of the land-office, and surveyor-general, the clerks
 of both houses of the legislature, and all officers whose official duty
 is or may be appurtenant and attached to the seat of government,
 shall each of them remove or cause to be removed, all the books,
 records, papers and other documents whatsoever, to the said offices
 respectively, or to the state generally belonging, to the said borough
 of Harrisburgh, in the manner provided for and directed by this act.

The several
 officers to re-
 move the
 books, &c.

SECT. III. *And be it further enacted by the authority aforesaid,*
 That Robert Harris, George Hoyer, and George Zeigler, shall be
 and they hereby are appointed commissioners, who, together with
 the respective officers aforesaid, shall superintend and direct the re-
 moval of the books, records, papers and other documents aforesaid,
 and shall provide at the borough of Harrisburgh, good and suitable
 rooms and apartments for the convenient accommodation of the le-
 gislature, and also for the receiving, opening and depositing the
 said books, records, papers and other documents, and for conducting
 and transacting the business of the offices aforesaid respectively, and
 in case of the resignation of any of the said officers, or of their, or
 any of their neglect, or refusal, or incapacity to attend to the busi-
 ness of the removal aforesaid, then it shall and may be lawful for

Commission-
 ers appoint-
 ed, and for
 what pur-
 pose.

The commis-
 sioners to
 supply the
 place of any
 officer that
 may die, re-
 sign, &c.

1810. the said commissioners, or a majority of them, to proceed therein as if the said officers were attending.

Offer of the
sale of ten
acres of land
by William
M'Clay, to
be accepted.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the governor be, and he hereby is authorized and required, on behalf and in the name of this commonwealth, to accept of the offer of ten acres of land in or adjoining the said borough of Harrisburgh, at one hundred dollars per acre, made by William M'Clay, adjoining to the four acre lot formerly appropriated by John Harris, for the use of the state, and to pay for the same, and receive sufficient conveyances and assurances in fee simple, therefor, to be recorded in the office for recording of deeds in the county of Dauphin aforesaid.

3000 dollars
appropriat-
ed.

And for what
purpose.

How appor-
tioned.

Commission-
ers to be ac-
countable.

SECT. V. *And be it further enacted by the authority aforesaid,* That the sum of three thousand dollars be, and the same hereby is appropriated for the purpose of making the aforesaid purchase, and discharging the expenses of the removal, to be paid in advance, two thousand dollars to the said commissioners, and one thousand dollars for the said purchase, on warrants signed by the governor, out of any unappropriated monies in the treasury, the said commissioners to be accountable for the sum by them received in settlement of their accounts.

20,000 dollars
appropriated
for the erec-
tion of of-
fices, &c.

Number of
offices to be
erected.

And to be
fire-proof.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the further sum of thirty thousand dollars be, and the same is hereby appropriated for the purpose of erecting the offices which are to be kept at the seat of government : *to wit,* One office for the secretary of the commonwealth, one for the secretary of the land-office, one for the surveyor-general, one for the auditor-general, one for the treasurer, and one office for any purpose to which it may hereafter be applied ; each of which offices shall be fire-proof, for the safe keeping of all the records and papers belonging to said offices respectively.

The govern-
or to keep
three com-
missioners in
office, &c.

Their duties

SECT. VII. *And be it further enacted by the authority aforesaid,* That the governor is hereby authorized and required immediately after the passing of this act, to appoint, and by supplying vacancies happening from refusals to act, or other causes, to keep, in appointment as long as may be necessary, three commissioners whose duty it shall be, immediately after their appointment, to fix on a site either on the four acre lot mentioned in the fourth section of this act, or on the ten acres to be purchased from William M'Clay, and procure one or more plan or plans on which the said offices are to be built, and after a place shall be agreed on according to the provisions which hereinafter follow, it shall be their duty to contract for, direct and superintend the building and completing of the said offices : And it shall also be the duty of the said commissioners as soon as they shall have ascertained the site for the said offices, and procured one or more plans, to lay the said plan or plans before the governor, secretary of the land-office, surveyor-general, auditor-general, and the treasurer of the commonwealth ; who, together with the three commissioners aforesaid, shall each have one vote, in order to decide on a plan for the offices aforesaid ; and such plan as shall have a majority of the votes aforesaid, shall, by the commissioners aforesaid, be carried into execution.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That as soon as a plan shall, as aforesaid, be decided on, it shall be the duty of said commissioners to give notice in two newspapers of Philadelphia, Lancaster, York, Carlisle, Reading, Pittsburgh and Harrisburgh; each for four weeks successively, that proposals will be received by them until a day certain, by them to be fixed, from any person or persons who shall be willing to undertake the building of the offices aforesaid, and shall thereupon contract with any such as have made proposals, or with others, as to them shall appear to be most advantageous to the commonwealth: *Provided,* That every contract which shall be made by the said commissioners under this act shall be in writing: *And provided also,* That in every case the parties contracting with the said commissioners, give bond to the commissioners for the use of the commonwealth, with sufficient surety or sureties for the performance of their contracts.

1810.
Further duties of,

SECT. IX. *And be it further enacted by the authority aforesaid,* That the money hereby appropriated, or so much as shall be necessary, shall be paid by the treasurer of this commonwealth, on the order of any two of the said commissioners, who are hereby required to keep strict accounts of their transactions, and to transmit an abstract thereof to the governor once in every three months after their appointment.

Monies to be paid by the treasurer on warrants, &c.

Who shall exhibit the accounts to the governor quarterly.

SECT. X. *And be it further enacted by the authority aforesaid,* That the commissioners aforesaid shall, before they enter on the duties hereby enjoined on them, take the following oath or affirmation: "I, A. B. do swear (or affirm) that I will faithfully perform the duties enjoined on me by the act, entitled "An act establishing the seat of government of the commonwealth of Pennsylvania, at Harrisburgh, in the county of Dauphin:" and each of the said commissioners shall receive for every day's attendance upon the duties herein enjoined on them, the sum of two dollars and fifty cents, and any two of them may do and perform any act or duty herein enjoined on the said commissioners.

Commissioners to take an oath.

Compensation allowed to.

Any two of them may act.

Passed 21st February, 1810.—Recorded in Law Book No. XII. page 27. (z)

(z) See a supplement to this act, passed 7th February, 1812, *post*.

CHAPTER MMMCXLVII.

An ACT to erect parts of Luzerne and Lycoming counties, into separate county districts.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That parts of the counties of Luzerne and Lycoming, which are included within the following lines: *to wit,* Beginning at the fortieth mile stone, standing on the north line of the state, and running south to a point due east of the head of Wyalusing falls, in the river Susquehanna; thence south-westerly to the nearest point of Lycoming county line; thence in a direct line to the south-east corner of Tioga coun-

Parts of Luzerne and Lycoming counties erected into separate county districts.

Limits of the county district of Ontario.

1810. *ty, at the Beaver dam on Towanda creek ; thence northerly along the east line of Tioga county, to the eightieth mile stone, standing on the north line of the state ; thence east along said line to the fortieth mile stone, the place of beginning, be, and is hereby erected into a separate county, to be henceforth called Ontario county ; and the place of holding courts of justice in and for said county, shall be fixed by three commissioners, to be appointed by the governor, at any place, at a distance not exceeding seven miles, from the centre of the county, which may be most beneficial and convenient for the same.*

Place for the seat of justice to be fixed by commissioners, &c.

Limits of the county district of Susquehanna.

SECT. II. *And be it further enacted by the authority aforesaid, That so much of the county of Luzerne, as is included in the following lines : to wit, Beginning at the fortieth mile-stone standing on the north line of the state, and running south along the east line of Ontario county, to a point due east of the head of Wyalusing falls in the river Susquehanna ; thence due east to the western line of Wayne county ; thence northerly along the said western line of Wayne county, to the aforesaid north line of the state ; and thence west along the said state line to the fortieth mile stone, the place of beginning ; be, and the same is hereby erected into a separate county, to be henceforth called Susquehanna county ; and the place of holding the courts of justice in and for said county, shall be fixed by the same commissioners who shall be appointed by the governor, in pursuance of the first section of this act, at any place at a distance not exceeding seven miles from the centre of the county, which may be most beneficial and convenient for the same.*

Seat of justice in, to be fixed by the aforesaid commissioners.

Said county districts to be subject to the jurisdiction of Luzerne and Lycoming counties as formerly.

SECT. III. *And be it further enacted by the authority aforesaid, That for the present convenience of the inhabitants of the said counties of Ontario and Susquehanna, and until an enumeration of the taxable inhabitants of the said counties shall be made ; and it shall be otherwise directed by law, the said counties of Ontario and Susquehanna, shall be, and the same are hereby annexed to the counties of Luzerne and Lycoming, in like manner as before the passage of this act, and the jurisdiction of the several courts of the counties of Luzerne and Lycoming, and the authority of the judges thereof shall extend over, and shall operate and be effectual within the said counties of Ontario and Susquehanna, and that the electors within the said counties shall continue to elect at the same places, and with the counties of Luzerne and Lycoming as heretofore.*

The governor or to appoint three trustees, &c.

Who shall receive proposals, &c.

SECT. IV. *And be it further enacted by the authority aforesaid, That the governor of this commonwealth be, and he is hereby authorized and required to appoint three suitable persons for trustees, in each of the said counties, who shall receive proposals in writing from any person or persons, or any body or bodies corporate or politic, for the grant or conveyance of any lands within the said counties respectively, and within the limits prescribed by this act for fixing the place of holding courts of justice in said counties respectively, or the transfer of any other property or payment of money, for the use of said counties, and lay before the commissioners appointed in and by the first and second sections of this act, from time to time a copy of the proposals so received under their hands, and when the place of holding courts of justice in the said counties*

respectively, shall be fixed by the said commissioners, to take assurances and conveyances in the law, for the lands and other property or money contained in any such proposals, which shall or may be accepted of, to and for the use of the said counties respectively.

1810.

SECT. V. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said trustees of Ontario county, or any two of them, to survey and mark, or cause to be surveyed and marked, the boundary lines between the said county, and the counties of Susquehanna, Luzerne and Lycoming, and it shall be the duty of the said trustees, to be appointed for the county of Susquehanna, to survey and mark, or cause to be surveyed and marked, the boundary line between said county, and the county of Luzerne, as is directed in the first and second sections of this act, and the said trustees for ascertaining and marking said boundaries, shall receive two dollars and fifty cents for every mile of the lines so ascertained and marked, which shall be paid by the treasurer of Luzerne county, on orders drawn by the commissioners of said county.

Trustees of Ontario county to mark the boundary line.

SECT. VI. *And be it further enacted by the authority aforesaid,* That each of the said commissioners to be appointed in pursuance of the first and second sections of this act, shall have and receive the sum of three dollars for each day they may necessarily be employed in the duties enjoined by this act, which shall be paid by the treasurer of Luzerne county, on orders drawn by the commissioners of said county.

Commissioners to receive 3 dollars per day.

How paid.

Passed 21st February, 1810.—Recorded in Law Book No. XII. page 30.

CHAPTER MMMCXLVIII.

An ACT to declare Green creek and its branches, in the county of Northumberland, public highways.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, Green creek in the county of Northumberland, from the mouth up to the main fork thereof, and from thence up the north and northwest branches thereof unto the saw-mill now or formerly owned by John Lemon, on the north branch, and unto the saw-mill now or formerly owned by Samuel Watt, on the north-west branch, shall be, and the same are hereby declared to be public highways for the passage of boats and other vessels, and it shall be lawful for the inhabitants and others desirous of using the navigation of the said creek, to remove all natural and artificial obstructions which may be in the same, excepting bridges and dams for mills, and other water-works, and also to erect such slopes at the mill-dams now built in the said creek, as may be necessary for the passage of rafts, boats or other vessels: *Provided,* Such slopes be so constructed as not to injure the works of said dams: *And provided also,* That any person or persons owning or


Parts of Green creek declared a public highway.

Obstructions in the same may be removed.

Excepting bridges, &c.

Slopes may be erected at mill dams. &c.

Provide,

1810.  possessing lands on said creek, shall have liberty to construct any dam or dams across the same, agreeably and subject to all the restrictions and provisions of an act of the general assembly of this commonwealth, passed the twenty-third day of March, one thousand eight hundred and three, entitled "An act to authorize any person or persons owning lands adjoining navigable streams of water, declared public highways, to erect dams upon such streams for mills and other water works."

Persons residing on its banks to have the privilege, &c.

Passed 21st February, 1810.—Recorded in Law Book No. XII. page 33.

CHAPTER MMMCXLIX.

[Original act, vol. 3, pa. 495.]

A SUPPLEMENT to an act, entitled "An act to erect the town of Beaver, in the county of Beaver, into a borough, and for other purposes."

Mode of taxing lots in the borough of Beaver prescribed.

Notice to be given of assessments.

If the taxes remain unpaid three months after notice, a sale shall be held.

Notice whereof to be given.

Sheriff to make and execute a deed.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* all town and out-lots in the borough of Beaver, held by individuals or companies, shall, for the purpose of raising borough taxes, be assessed and taxed in the same manner as other property is taxable, under the act to which this is a supplement, but the collection of borough taxes already laid, or that may hereafter be laid or assessed on unseated town or out-lots shall not be enforced by sale of such lots until after the expiration of twelve months from and after the same shall have been assessed; and until notice be given by the town council for four successive weeks, in three weekly newspapers printed in Washington and Allegheny, and in Beaver, if any there be, and notice thereof given for the space of four weeks, in two daily papers published in the city of Philadelphia, that one, or more than one year's tax is due upon the unseated town and out-lots in said borough, and if any tax now due, or that may become due as aforesaid, together with the costs necessarily accrued thereon, shall for the space of three months after such notice shall have been given, remain unpaid, then in every such case, the town council shall issue their warrant under their hands and seal, directed to the sheriff or coroner of the county of Beaver, commanding him, after having given within Beaver county, at least thirty days notice in one newspaper printed in Beaver county, or if there be no newspaper printed in said county, then in one printed nearest thereto, and by written or printed advertisements set up in at least three public places in said county, one of which shall be at the court-house, stating that the sales of unseated lots for arrearages of borough taxes will commence on a certain day to make public sale of the whole or any part of such unseated lots as he may find necessary for the payment of the taxes due thereon respectively, and of all costs necessarily accrued thereon by reason of such delinquency, and to make and execute a deed or deeds in fee simple, to the purchaser or purchasers of any unseated lots so sold, and the same in open Court

1810.

Bond to be taken.

of Common Pleas, duly to acknowledge, and it shall also be the duty of the said sheriff or coroner to take from such purchaser or purchasers of lots in his own name, a bond, with warrant of attorney annexed, for any surplus money that may remain after satisfying and paying the taxes and costs aforesaid, and the same bonds forthwith to file in the office of the prothonotary of the county, together with at least one attested copy of the above advertisement which shall so as aforesaid by him have been set up.

What shall be evidence of publication.

SECT. II. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the town council to file in the prothonotary's office aforesaid, one at least, of such of the newspapers in which they shall have published their general notice, which newspaper so filed together with the affidavit of at least one of the printers aforesaid, and an affidavit of one of the printers in the city of Philadelphia, that the aforesaid notice was published in the usual number of his papers, and the advertisement of the sheriff or coroner filed as aforesaid, shall at all times thereafter, in any trial at law or in equity, respecting the validity of sales made by virtue of this act, be deemed and taken as sufficient evidence of legal notice having been given of the sales hereby directed to be made, and no action for the recovery of said lots shall lie, unless the same be brought within five years after the sale thereof for taxes as aforesaid: *Provided always,* That where the owner or owners of such lots sold as aforesaid, shall at the time of such sale be minor or minors, or insane, or not residing within the United States, then five years after such disability is removed, shall be allowed, such person or persons, their heirs or legal representatives, to bring their suits or action for the recovery of the lots so sold: And where the recovery is effected, in such cases the value of the improvements made on the lots so sold, after the sale thereof shall be ascertained by the jury trying the action for recovery, and paid by the person or persons recovering the same, before he, she, or they shall obtain possession of the land so recovered.

Within what time actions, &c. may be brought.

Proviso as to minors, &c.

Bonds taken by the sheriff, &c. to be a lien upon lands.

Mode of recovering surplus monies.

SECT. III. *And be it further enacted by the authority aforesaid,* That the bond or bonds taken by the sheriff or coroner for the surplus money, and filed as aforesaid, shall, from the date of the deed by him executed as aforesaid, bind as effectually and in like manner as judgments, the lands by him sold, into whose hand or possession soever they may come, and the owner or owners of the said lands, their heirs, or other legal representatives, may at any time within ten years after such sales, cause actions to be entered on the docket of the said prothonotary, in the name of the sheriff or coroner for the use of the said owner or owners, their heirs, or other legal representatives, and if the monies contained in such bond or bonds, together with the legal interest from the time it is demanded, be not paid within three months after such entry, execution shall issue forthwith for the recovery of the same.

Return of unseated lots to be made by the constable, &c.

SECT. IV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the constable or collector of the said taxes, to make a return of such unseated lots to the borough treasurer, upon oath or affirmation, which depositions shall be deemed and taken as *prima facie* evidence of such lot or lots being unseated

1810. in the trial of any action that may be brought for the recovery of the same, and that sales of such lots for borough taxes that are now due, or may hereafter become due, made agreeably to the directions of this act, shall be in law and equity, valid and effectual to all intents and purposes, to vest in the purchaser or purchasers of lots sold as aforesaid, all the estate and interest therein, that the real owner or owners thereof had at the time of such sale, although the lots may not have been taxed or sold in the name of the real owner thereof.

Passed 21st February, 1810.—Recorded in Law Book No. XII. page 33.

CHAPTER MMMCL.

An ACT relating to the patenting of lands.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That all the provisions of the first section of the act, entitled "An act to encourage the patenting lands, and for other purposes;" passed the fourth day of April, one thousand eight hundred and five, shall be, and the same hereby are re-enacted and continued until the first day of November, in the year one thousand eight hundred and eleven, and no longer.*

The act of April 1805, revived and extended until November, 1811.

SECT. II. *And be it further enacted by the authority aforesaid, That so much of the act, entitled "An act directing the mode of settling accounts in the land-office, and to prevent frauds in obtaining warrants for land;" passed the thirteenth day of April, one thousand eight hundred and seven, as directs the receiver-general of the land-office, on the settlement of any account for monies due on lands within the purchases made of the Indians, in and prior to the year one thousand seven hundred and sixty-eight, to ascertain the amount of principal and interest due at the time of passing said act, and upon the aggregate amount so found due, to charge interest until the amount of the account is discharged, be, and the same is hereby suspended until the aforesaid first day of November, in the year one-thousand eight hundred and eleven, and no longer, until which time patents may be granted upon paying, or securing by mortgage, the purchase money due, with interest on the principal sum, only to the time of such payment or execution of such mortgage.*

The act directing the mode of settling accounts in the land-office, &c. suspended until November, 1811.

SECT. III. *And be it further enacted by the authority aforesaid, That any mortgage or mortgages under the said act, may be executed by any duly constituted trustee or trustees holding lands, or by the guardian or guardians of minors duly appointed, or by executors to whom the sale or disposal of the land to be mortgaged, is given by the last will and testament of their testator, and patents may be received by them respectively, for the use and benefit of those entitled, and any mortgage in pursuance of said act, may be acknowledged before the secretary of the land-office, or magistrate authorized to receive the acknowledgment of deeds.*

Who mortgages may be executed by.

And who the same may be acknowledged before.

SECT. IV. *And be it further enacted by the authority aforesaid,* **1810.**
 That any such mortgage may be executed and acknowledged by attorney duly constituted by letter of attorney, and such letter of attorney, the same being duly acknowledged before any of the judges of the Supreme Court, or before any president or associate judge of any Court of Common Pleas in this state, or before any justice of the peace of the county in which the land may lie, shall be filed in the office of the secretary of the land-office, a copy whereof, and also a copy of any such mortgage being duly certified under the seal of said office shall, in all cases, be as legal and sufficient evidence as the originals themselves might or could be.

Mortgages may be executed by attorney. Before whom.

Copies of said mortgages to be evidence.

SECT. V. *And be it further enacted by the authority aforesaid,*
 That any person or persons who have executed, or hereafter shall execute any such mortgage, his or their heirs, executors, administrators or assigns, may at any time before the days of payment, be permitted to pay the whole amount of principal and interest to that time, in full discharge of any such mortgage: *Provided nevertheless,* That said mortgagor or mortgagors, his or their heirs, executors, administrators or assigns, may at any time before the day or days of payment, be permitted to pay a lesser number than the whole of the instalments to become due, and a deduction of so much interest as would have accrued upon said instalments, if not discharged previously to the time or times when they were respectively made payable, and he or they may have an acquittance indorsed on the mortgage for such instalment or instalments so as aforesaid paid.

Mortgagors may at any time pay the principal and interest, &c.

Or any part thereof.

SECT. VI. *And be it further enacted by the authority aforesaid,*
 That it shall be the duty of the prothonotaries of the city of Philadelphia, and in each and every county of this commonwealth, to read, or cause to be read, in open court, this act, and the act to which this has reference, on the third day of each and every term for the space of one year, in order that the citizens may have full information of the provisions in these acts contained.

Duties enjoined on the several prothonotaries.

Passed 21st February, 1810.—Recorded in Law Book No. XII. page 35.

CHAPTER MMMCLI.

An ACT supplementary to an act, entitled “An act to enable the governor of this commonwealth to incorporate a company for making an artificial or turnpike road from the intersection of the Bristol and Newtown roads at the rock in Oxford through Bustleton and Smithfield, in the county of Philadelphia, to the Buck tavern in Southampton, in the county of Bucks.”

[SO much of the ninth section of the act, entitled “An act to enable the governor of this commonwealth, to incorporate a company for making an artificial or turnpike road from the intersection of the Bristol and Newtown roads at the rock in Oxford, through Bustleton and Smithfield, in the county of Philadelphia, to the Buck tavern in Southampton, in the county of Bucks,” as requires the

1810. artificial part of the said road to be more than twenty feet in width, is repealed, and the time for completing said road extended seven years, reserving to the company all the rights, privileges, liberties and franchises for carrying on and completing said road within the extended time in as ample a manner as they now enjoy them.]

Passed 21st February, 1810.—Recorded in Law Book No. XII. page 37.

CHAPTER MMMCLII.

An ACT to incorporate the subscribers to the American Fire Insurance Company.

SECT. 1. [COMMISSIONERS appointed. Who shall give ten days notice of the opening of the books to receive subscriptions: and other duties prescribed. Books to be kept open three days, &c. When five thousand shares are subscribed the books shall be closed; but no person shall subscribe for a greater number than ten shares. 2. The style and title to be "The American Fire Insurance Company," with the usual corporate powers. Their real estate shall only be such as shall be necessary to accommodate the corporation in the transaction of their necessary business, or shall be taken in security for the payment of debts. Stockholders to be convened annually, &c. Yearly income from real estate, not to exceed ten thousand dollars. 3. Capital stock to amount to five hundred thousand dollars. Twenty dollars to be paid on each share, ten days after notice given. And the residue when called on. Penalty on neglect or refusal. 4. Number of directors, and their qualifications, regulated. Who shall choose a president. Corporation not to be dissolved for omitting to elect. When an election of directors may be held after such an omission. How vacancies are to be supplied. Names of the first directors. Their time of continuing in office. To appoint a president within ten days. 5. Number of votes to be given by the respective stockholders prescribed. No stockholder to have more than twenty-five votes. And the shares must have been standing in his own name for three months to entitle him to a vote. Voting by proxy to be allowed. 6. Powers of the president and directors, in appointing officers, agents, &c. 7. The corporation empowered to improve their capital stock, &c. But no deposit or discount shall be allowed or made in the manner of a banking institution. 8. That the president and directors shall have full power on behalf of the said corporation, to make insurance against loss by fire, on any house, tenement, manufactory or other building, and on goods, wares, merchandizes and effects therein, and on any ship or vessel upon the stocks, building or repairing, or at moorings, or lying in port, and on goods, wares, merchandizes and effects therein, and on hay, grain, and other agricultural products in barns, stacks or otherwise: and generally on all kinds of buildings, and of goods, wares, merchandizes and effects upon the land, or lying in port, and to make, execute and perfect such, and so many contracts, bargains, agreements, policies and other instruments as shall or may be necessary, and as the nature of the case

shall or may require; and every such contract, bargain, agreement and policy to be made by the said corporation, shall be in writing, or in print, and shall be under the seal of the said corporation, signed by the president, and attested and signed by the secretary or other officer who may be appointed by the president and directors for that purpose. 9. Any insured may assign his policy, and powers of the assignee; but consent of the insurer to be first obtained. 10. When the dividends are to be declared and made. Premiums upon outstandings risks not to be divided. No dividend to be made while the capital stock is reduced, and penalty on the officers making such dividend. 11. Shares of the stock to be assignable. No persons to hold shares but citizens of the United States. 12. One per cent. per annum to be paid to the states, whenever the company divides more than nine per cent. &c. President to prove upon oath, &c. and cause the same to be laid before the legislature. Proviso, that this condition not to take place till after January first, one thousand eight hundred and fifteen, nor then, unless, &c. 13. This act to continue till May first, one thousand eight hundred and thirty-one, except for closing the affairs of the corporation, but the legislature may sooner resume these rights.] 1810.

Passed 28th February, 1810.—Recorded in Law Book No. XII. page 58.

CHAPTER MMMCLIII.

An ACT providing for the removal of the seat of Justice in the county of Bucks, from Newtown to a more central place, and for other purposes.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the governor be, and he is hereby authorized and required, on or before the first day of April next ensuing, to appoint three discreet and disinterested persons, one from the county of Northampton, one from the county of Chester, and one from the county of Berks, not holding any real estate within the county of Bucks, whose duty it shall be to fix on a proper and convenient site for a court-house, prison, and county offices, to be erected not more than three miles from Bradshaw's corner, where the road leading from Wilkinson's tavern to the Cross Keys, intersects with the public road leading from Doylestown to Vanhorne's tavern, admitted to be the centre of said county; and the said persons, or any two of them, having viewed the relative advantages of the several situations contemplated by the people, shall, on or before the first Monday in June next ensuing, by a written report, under their hands and seals, or under the hands and seals of any two of them, certify, describe and limit the site or lot of land which they shall have chosen for the purpose aforesaid, and shall transmit the said report to the commissioners of said county, and a duplicate thereof to the recorder of deeds for said county, to be filed and recorded in his office.

Three persons to be appointed to fix on a proper site for the public buildings in Bucks county.

Limits within which the site must be fixed.

When and to whom the commissioners shall report.

1810.

Commissioners to receive three dollars per day for their services.

And to receive a deed for the land on which the site shall be fixed, &c.

And shall make an estimate of the expense of the buildings, &c. How to be paid.

Proviso.

The commissioners to have suitable buildings erected.

To be completed within 3 years.

Prisoners to be removed.

And the public papers.

The old county buildings to be sold.

SECT. II. *And be it further enacted by the authority aforesaid,* That the county commissioners shall allow the said persons three dollars per day, for their services in executing the duties assigned them by this act; to be paid by the treasurer, on a warrant drawn by the commissioners, out of the county stock.

SECT. III. *And be it further enacted by the authority aforesaid,* That the said county commissioners for the time being be, and they are hereby authorized and required to take and receive a deed of conveyance, to be made to them and their successors in office, of any quantity of land not exceeding five acres (including the site which shall have been fixed upon and described by the persons aforesaid) in trust, for the use and purpose of accommodating the public buildings to be erected thereon, and for such other purposes as any grand jury or juries of said county, with the approbation of the court, and concurrence of the commissioners of the county may and shall from time to time direct, for the benefit of the said county.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the said county commissioners, when the site aforesaid shall have been ascertained and fixed, and the lot conveyed as aforesaid, shall make an estimate of the probable expense of erecting suitable buildings, to be of brick or stone, for a court-house, prison, and county offices, as well as the purchase money of the site and lot; whereupon they are hereby authorized and required to increase the county tax one-fourth part of the sum necessary for the purposes aforesaid, and shall procure on loan, on the credit of the taxes herein directed to be levied, the remaining three-fourths thereof; to be paid in instalments, with interest, out of the county taxes: *Provided nevertheless,* That if such loan cannot be made, the whole amount of the sum necessary for the purposes aforesaid, or such part thereof as may be found requisite, shall immediately be added to the county tax.

SECT. V. *And be it further enacted by the authority aforesaid,* That the said county commissioners be, and they are hereby authorized and required to erect, or cause to be erected, on the site or lot so fixed upon as aforesaid, suitable buildings of brick or stone, for a court-house, prison, and house for the safe keeping of the county records; and cause the same to be completed within the space of three years from the time of passing this act.

SECT. VI. *And be it further enacted by the authority aforesaid,* That as soon as the buildings are erected and completed as aforesaid, the said county commissioners, or sheriff, shall cause the prisoners (if any) then confined in the old prison, to be safely removed to the new prison; and the public papers and records then remaining in the public offices at Newtown aforesaid, to be safely deposited in the building so as aforesaid prepared for the reception thereof; and from thenceforth the public offices shall be there kept, and the courts of justice previously held at Newtown, in and for the said county of Bucks, shall be holden in the building so erected for a court-house.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the said county commissioners, and their successors be, and

they are hereby authorized and required to sell at public vendue, after due and public notice being given, to the highest and best bidder, the old court-house and prison, and all other the real estate in the said town or township of Newtown, belonging to, or held in trust for the said county of Bucks; and on sale thereof, to make, seal, and deliver good and sufficient title or titles for the same, to the purchaser or purchasers, and to pay the nett proceeds of such sales into the county treasury, to be applied towards defraying the expenses of said public buildings, erected, or to be erected, as aforesaid, or to other county purposes.

1810.

SECT. VIII. *And be it further enacted by the authority aforesaid, That so much of the existing laws of this commonwealth as are altered by this act, be, and the same is hereby repealed. (a)*

Passed 28th February, 1810.—Recorded in Law Book No. XII. page 44.

(a) In pursuance of this act, the on Doylestown as the place for the seat commissioners appointed have fixed up- of justice.

CHAPTER MMMCLVI.

An ACT for the relief of certain county treasurers.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the auditor-general be, and he is hereby authorized and required to enter a credit on his books in favour of any county treasurer for such sum or sums of money as shall appear to him to have been paid to the commissioned and staff officers for training in the spring of one thousand eight hundred and eight, and cannot be recovered, but it shall be the duty of the treasurer in order to entitle him to such credit to furnish the auditor-general with a certificate on oath or affirmation of himself, or of the commanding officer of the regiment, which oath or affirmation shall state the sum or sums so paid, and to whom they were paid, and the reasons why they cannot be recovered, and if those reasons appear satisfactory to the auditor-general, the treasurer shall be allowed the amount so certified in settling his accounts with the auditor-general.

Monies paid to militia officers for certain services to be allowed to the county treasurers.

Duty of the treasurer.

Passed 28th February, 1810.—Recorded in Law Book No. XII. page 48:

CHAPTER MMMCLVII.

A further SUPPLEMENT to an act, entitled "An act regulating the fisheries in the river Conestogoe, in the county of Lancaster."

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the sluices and platforms spe-

Certain sluices, &c. to be kept open.

1810.

Repealing
section.

cified in the act to which this is a supplement, shall be kept open for and during the months of April, May and June, in every year.

SECT. 11. *And be it further enacted by the authority aforesaid,* That so much of the act to which this is a supplement, as is hereby altered or supplied, is hereby repealed.

Passed 7th March, 1810.—Recorded in Law Book No. XII. page 49.

CHAPTER MMMCLIX.

An ACT for the benefit of the heirs of John Taylor, deceased.

SECT. 1. [THE interest of the commonwealth in a certain piece of land vested in the legal representatives of John Taylor.]

Passed 7th March, 1810.—Recorded in Law Book No. XII. page 59.

CHAPTER MMMCLX.

A SUPPLEMENT to an act entitled "An act to enable the governor of this commonwealth to incorporate a company for the purpose of improving the navigation of the river Lehigh."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the governor be, and he is hereby authorized to supply any vacancies that have occurred, or which may hereafter occur, by reason of the unwillingness or inability of those who have been or may be appointed to perform the duties enjoined by the law to which this is a supplement: *Provided,* That the persons who may be appointed under the direction of this act, shall be subject to all the regulations and restrictions specified in the act to which this is a supplement.

Passed 7th March, 1810.—Recorded in Law Book No. XII. page 59.

CHAPTER MMMCLXI.

An ACT to establish an academy in the borough of Greensburg, in the county of Westmoreland, and to grant a sum of money thereto.

SECT. 1. [AN academy established in Greensburg. 2. Trustees named. Style of the corporation to be "The Trustees of the Greensburg academy," with the usual corporate powers. The yearly value of their estates not to exceed four thousand dollars. 4. Number of trustees to be eight, and how changed, &c. When to meet, five of whom shall be a quorum. Annual elections to be held by the citizens for trustees. Trustees may supply a vacancy in their own body. 5. Powers of the trustees; any five to consti-

The govern-
or to supply
vacancies in
the number
of commis-
sioners ap-
pointed by
the original
act.

tute a quorum. No ordinance, &c. to be contrary to the constitution and laws, &c. 6. Proceedings of the corporation to be entered in a book. No misnomer to defeat any gift, &c. Nonuser not to cause a forfeiture. 7. Two thousand dollars granted to said academy. How to be applied. Proviso as to poor children to be taught gratis. 8. Trustees to exhibit their accounts to the county auditors.]

1810.

Passed 7th March, 1810.—Recorded in Law Book No. XII. page 60.

CHAPTER MMMCLXII.

An ACT authorizing and empowering Hugh Conner to sell and convey a part of a tract of land therein mentioned.

SECT. 1. [HUGH CONNER authorized to sell land of Elizabeth Wigton, and appropriate the proceeds to pay debts, &c. 2. Said Conner to enter into recognizance faithfully to account for the money.]

Passed 10th March, 1810.—Recorded in Law Book No. XII. page 63.

CHAPTER MMMCLXIII.

An ACT declaring a part of Oil creek in Venango and Crawford counties, a public highway.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* Oil creek, in the counties of Venango and Crawford, from the Lower Forks in Venango county, to the Upper Forks at McCreeth's saw-mill in Crawford county, be, and the same is hereby declared a public highway for the passage of rafts, boats, and other vessels: *And it shall be lawful for the inhabitants and others desirous of using the navigation of the said creek, to remove all natural and artificial obstructions which may be in the same, excepting bridges, dams for mills, and other water-works, and also to erect such slopes at the mill-dams now built on the said creek, as may be necessary for the passage of rafts: Provided, such slopes be so constructed as not to injure the works of the said dams: And provided also, That any person or persons owning or possessing lands on said creek, shall have liberty to construct any dam or dams across the same, agreeably and subject to all the restrictions and provisions of the* *act of the general assembly of this commonwealth, passed the twenty-third day of March, one thousand eight hundred and three, entitled "*An act to authorize any person or persons owning lands adjoining navigable streams of water, declared public highways to erect dams upon such streams for mills and other water-works.*"

Part of Oil creek declared a public highway.

All obstructions excepting bridges, &c. may be removed. Slopes may be erected at mill dams.

Proviso: Persons owning lands thereon to have the advantage of the provisions of the act of 23d of March, 1803.

Passed 10th March, 1810.—Recorded in Law Book No. XII. page 64.

* "act," wanting in the original.

CHAPTER MMMCLXV.

1810.

(Supplement
hereto, 13th
February,
1811, *post.*)

An ACT to alter the time of holding certain Courts of Quarter Sessions and Common Pleas, in the county of Delaware.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the next April term, the April and July terms, of the Courts of Quarter Sessions and Common Pleas, in the county of Delaware, shall commence and be holden on the second Monday in the month of April, and fourth Monday in the month of July, and that the continuance of the Courts of Common Pleas aforesaid, be for one week only, any law or laws to the contrary notwithstanding.*

Courts of
Quarter Ses-
sions and
Common
Pleas in De-
laware coun-
ty to be held,
&c.

The Com-
mon Pleas to
continue for
one week.

Passed 10th March, 1810.—Recorded in Law Book No. XII. page 65.

CHAPTER MMMCLXVII.

An ACT declaring part of Pine creek, in Lycoming county, a public highway.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That so much of the second fork of Pine creek, in the county of Lycoming, as lies between its confluence and the point where it is intersected by the state road, be, and the same is hereby declared a public highway for the passage of rafts, boats and other vessels: And it shall be lawful for the inhabitants and others desirous of using the navigation of said creek, to remove all natural and artificial obstructions which may be in the same, excepting bridges and dams for mills, and other water-works, and also to erect such slopes at the mill-dams* now built in the said creek, as may be necessary for the passage of rafts, boats, or other vessels: Provided, Such slopes be so constructed as not to injure the works of said dams: And provided also, That any person or persons owning or possessing lands on said creek, shall have liberty to construct any dam or dams across the same, agreeably and subject to all the restrictions and provisions of an act of the general assembly of this commonwealth, passed the twenty-third day of March, one thousand eight hundred and three, entitled "An act to authorize any person or persons owning lands adjoining navigable streams of water, declared public highways, to erect dams upon such streams for mills and other water-works."*

Part of Pine
creek de-
clared a pub-
lic highway.

All obstruc-
tions therein
may be re-
moved ex-
cept, &c.
Slopes at
dams may be
erected.
Proviso.

Owners of
land thereon
to have the
privileges
conferred by
the act of
March 23d,
1803.

Passed 10th March, 1810.—Recorded in Law Book No. XII. page 67.

* The word "dams" interlined in the original with a lead pencil.

CHAPTER MMMCLXVIII.

1810.

An ACT to authorize the continuance of the courts of Quarter Sessions of the Peace, for the counties of Lancaster and Dauphin, beyond the time to which they are now restricted.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the judges of the Court of Quarter Sessions of the Peace, for the counties of Lancaster and Dauphin, shall be, and they are hereby authorized and empowered to continue the sessions of the said court during the whole of the first week of each and every term or so many days as they shall deem necessary to finish the business thereof, any law to the contrary notwithstanding.

Courts of Quarter Sessions in Lancaster and Dauphin counties to continue for one week if necessary.

Passed 10th March, 1810.—Recorded in Law Book No. XII. page 67.

CHAPTER MMMCLXIX.

A SUPPLEMENT to an act, entitled "An act to enable the governor to incorporate a company for making an artificial road by the best and nearest route from the borough of York, to the Maryland line, at the place the present York road passes the same, or as near thereto as the commissioners shall find expedient."

[Vol. 4, pa. 389.]

SECT. 1. [THE York and Maryland line turnpike may be extended to High-street, &c. No toll gate to be erected within one mile of the borough of York. 2. The true meaning and intent of that clause, in the fourth section of the act to which this is a supplement, by which the said company are "entitled to like tolls and profits as are given and granted to the president, managers and company of the Susquehanna and York borough turnpike road;" is that the president, managers and company of the York and Maryland line turnpike road, shall be entitled to like tolls and profits as are given to the president, managers and company of the Susquehanna and York borough turnpike road, in proportion to the respective distances of the same: And the president, managers and company of the York and Maryland line turnpike, are hereby authorized and permitted to erect a gate or gates as soon as five or more miles of the said road shall be finished and completed according to the provisions of the act to which this is a supplement, and to receive toll for travelling on the same.]

Passed 10th March, 1810.—Recorded in Law Book No. XII. page 68.

CHAPTER MMMCLXX.

An ACT for the benefit of the heirs of Edward Woodward, deceased.

SECT. 1. [THE guardians of Mary and Elizabeth Woodward, authorized to sell certain real estate. Proceeds of, to be placed out

1810. at interest. 2. Said guardians to enter into recognizance, &c. **Proviso**, as to the rights of other persons.]

Passed 10th March, 1810.—Recorded in Law Book No. XII. page 69.

CHAPTER MMMCLXXI.

An ACT granting Peter Pence an annuity for life.

SECT. 1. [FORTY dollars granted to Peter Pence. And an annuity of like amount, payable to John Forster, of Lycoming county, for the benefit of the said Peter Pence.]

Passed 10th March, 1810.—Recorded in Law Book No. XII. page 70.

CHAPTER MMMCLXXII.

An ACT to incorporate the United States Insurance Company.

SECT. 1. [MEMBERS of the United States insurance company erected into a body politic. Name and style to be "The United States Insurance Company," with the usual powers. **Proviso** as to real estate, the income of which shall not exceed four thousand dollars. 2. Property of the association transferred to the incorporation, and its debts and engagements to be obligatory, &c. and no contracts shall be hereby impaired. 3. Capital stock to be four hundred thousand dollars; to be divided into eight thousand shares of fifty dollars each. Stock to be transferrable. How the stock and funds may be vested, securities taken, and deposits made. The directors may transfer the securities, &c. Thirteen directors to be chosen. Directors already appointed to be directors for the present year. Their continuance in office. How the directors shall be chosen, and qualification of voters. Number of votes that may be given by stockholders, not to exceed twenty-five votes, &c. Stockholders to meet on the second Tuesday in December annually. How general meetings may be called. Questions how to be decided. Duties of the officers prescribed. Qualifications of the directors, and tenure of their office, and how vacancies may be supplied. Their powers declared. To lay a statement of the affairs of the company before the stockholders. Directors to be divided, &c. Who shall attend in rotation. And with the president may transact the current business, &c. Stated meetings to be held, &c. President to preside. Absence of, how supplied. Five directors to constitute a board. All questions to be decided viva voce. When dividends shall be declared and paid. Premiums on undecided risks not to be divided. When the capital shall be diminished, &c. no dividend shall be made, and penalty on so doing. 4. One per cent. to be paid by the company, &c. Amount of dividend to be proven by the oath of the president, but not to take effect before the first of January, one thousand eight hundred and fifteen, &c. 5. Limitation of this act to the first day of January, one thousand

eight hundred and twenty-seven, &c. Powers reserved by the legislature to repeal this act.] 1810.

Passed 10th March, 1810.—Recorded in Law Book No. XII. page 70.

CHAPTER MMMCLXXIII.

An ACT authorizing the loan of money from the state to the commissioners of Mercer county.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* a loan be granted from the state to the commissioners of Mercer county, of three thousand dollars, for the use of the county; to be paid on a warrant from the governor, out of any money in the state treasury, not otherwise appropriated: *Provided, That* the said commissioners shall first give bond, with warrant of attorney, to confess judgment to the commonwealth, with sufficient security to the satisfaction of the governor, for the payment of the said loan, in three equal annual instalments, to commence three years from and after the passing of this act, with interest from the reception of said loan.

Loan to be granted to the commissioners of Mercer county.

Commissioners to give bond, &c.

Times of payment.

Passed 10th March, 1810.—Recorded in Law Book No. XII. page 77.

CHAPTER MMMCLXXV.

An ACT taxing certain offices.

[Vol. 4, p. 277-8.]

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the prothonotaries or clerks of the Supreme Courts, of the Courts of Nisi Prius, of the Courts of Common Pleas, of the Courts of Oyer and Terminer and General Gaol Delivery, of the Courts of Quarter Sessions of the Peace, of the Orphans' Courts, the Registers of Wills, and the Recorders of Deeds in this commonwealth shall, from and after the first day of October next, keep, or cause to be kept, a fair and accurate account of all the fees received for services performed by them, or any person employed by them, in their respective offices; and shall annually thereafter furnish a copy of such account, upon oath or affirmation, to the auditor-general; who shall proceed to examine the accounts so furnished by the officers aforesaid; and whenever the amount of any of the said accounts shall exceed the sum of fifteen hundred dollars, the auditor-general shall charge the said officers respectively fifty per cent. on the amount of such excess: which sum, so charged, shall be paid by them into the treasury for the use of the commonwealth.

Prothonotaries' clerks, &c., to keep an accurate account of fees, from the first day of October next;

and furnish a copy thereof, &c.

When the fees amount to 1500 dollars, the excess to be taxed.

SECT. II. *And be it further enacted by the authority aforesaid, That if two or more of the said offices shall be held by one person,*

If two or more offices are held by

1810. the auditor-general shall add together the fees received in the offices so held, and shall charge the same per centage on the aggregate amount of the fees received by such persons, as is directed in the first section of this act to be paid as is therein directed: *Provided*, That nothing in this act shall discharge any officer from accounting to the proper officer for any fees he may have received previous to the first day of October next: *And provided also*, That if any person holding an office or offices enumerated in the first section of this act, shall neglect or refuse to comply with the provisions thereof, such neglect or refusal shall be considered as a misdemeanor in office, and the governor shall remove such officer from office.

one person the aggregate amount of fees received in them to be taxed as aforesaid.

Penalty on any officer refusing to account, &c.

Auditor-general may compel the said officers to account, &c.

Repealing section.

SECT. III. *And be it further enacted by the authority aforesaid*, That the auditor-general shall have the same powers to compel the said officers respectively, to furnish their accounts for settlement, and to compel the payment thereof as he has in other cases.

SECT. IV. *And be it further enacted by the authority aforesaid*, That so much of every former act of assembly, as is hereby altered or supplied, be, and the same is hereby repealed.

Passed 10th March, 1810.—Recorded in Law Book No. XII. page 78.

CHAPTER MMMCLXXVI.

An ACT concerning Foreign Insurance Companies.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That no body politic or corporate, of any foreign state, kingdom or country, no company or co-partnership of foreigners, by themselves, or any agent or agents of such company or co-partnership, and no person or persons who is or are not a citizen or citizens of the United States, shall be insurers in any case within this state, against loss at sea, against loss by fire, upon any property within the same, upon the inland transportation of any goods, wares or merchandize, in or out of this state, or upon the life or lives of any person or persons residing within the same, and all contracts and policies entered into by any such person or persons, company, co-partnership, or body politic or corporate, as insurers, shall be null and void.

No person or persons, &c. not citizens of the U. S. to ensure.

Any person acting as agent for such foreign insurers liable to a fine of 5000 dollars.

SECT. II. *And be it further enacted by the authority aforesaid*, That if any person or persons shall make or renew any contract or policy of insurance as assurers, on account, or in behalf of, or as agent or agents for any body politic or corporate of any foreign state, kingdom, or country, any company or co-partnership of foreigners, or any person or persons who is or are not a citizen or citizens of the United States, within this state, every such person or persons so offending, shall, on conviction in any court of competent jurisdiction, forfeit and pay the sum of five thousand dollars for every such offence, one half to the use of the commonwealth, and the other to the use of the informer, who shall sue for the same.

SECT. III. *And be it further enacted by the authority aforesaid,* **1810.**
 That if any citizen or citizens of this commonwealth, shall make or renew any contract or policy of insurance, as a party insured with any foreign company or corporation, any agent or agents for any such company or corporation, or with any person or persons who is or are not citizens of the United States, every person so offending, shall, on conviction in any court of competent jurisdiction, forfeit and pay the sum of five hundred dollars, to the uses aforesaid, and in all and either case or cases, the policy or policies shall be deemed and received as conclusive evidence of such contract or insurance : *Provided nevertheless,* That the penalty herein mentioned shall not be construed to extend to any case of marine insurance made in any foreign country by any agent or agents for any American merchant or merchants, so as to secure the vessel or cargo belonging to any American merchant or merchants, nor to prevent any foreigner or foreigners from having his, her or their property insured within this state, excepting only an alien enemy.

Penalty on making or renewing a policy with such foreign insurer.

Policies to be evidence of the contract.

Proviso excepting marine insurances, &c.

SECT. IV. *And be it further enacted by the authority aforesaid,* That this act shall be in force from and immediately after its passage.

This act to be in immediate force.

Passed 10th March, 1810.—Recorded in Law Book No. XII. page 79.

CHAPTER MMMCLXXVII.

An ACT to annul the marriage of David Carmack and Mary Carmack.

SECT. 1. [THE marriage contract of David and Mary Carmack annulled. Legitimacy of children not to be affected thereby.]

Passed 10th March, 1810.—Recorded in Law Book No. XII. page 80. (b)

(b) This bill was not returned by the governor, within ten days after it was presented to him, and therefore became a law without his signature.

CHAPTER MMMCLXXIX.

An ACT to authorize the commissioners of Armstrong county, to sell certain lots in the town of Kittaning, and to purchase other ground in lieu thereof.

SECT. 1. [COMMISSIONERS of Armstrong county authorized to sell certain lots in the town of Kittaning. Notice of sale to be first given : and the proceeds are to be appropriated to the purchase of a more eligible situation to be occupied as a burial ground.]

Passed 19th March, 1810.—Recorded in Law Book No. XII. page 82.

CHAPTER MMMCLXXX.

An ACT to enable James Gibson, guardian of John George and Hains Cousland, to purchase for their use real estate.

SECT. 1. [JAMES GIBSON authorized to purchase certain land in the names of certain minors, for their benefit, if the Orphans' Court of Philadelphia approve and ratify said purchase.]

Passed 19th March, 1810.—Recorded in Law Book No. XII. page 83.

CHAPTER MMMCLXXXI.

An ACT appropriating a sum of money for improving the navigation of French and Le Boeuf creeks.

SECT. 1. [TWO thousand dollars appropriated for clearing French and Le Boeuf creeks, and apportionment thereof. 2. Commissioners to make contracts : *Provided*, That no contract shall be made, directly or indirectly, with any one of the commissioners. 3. Accounts to be rendered by them to the auditors, who shall allow said commissioners one dollar and thirty-three cents per diem.]

SECT. IV. *And be it further enacted by the authority aforesaid*, That every person or persons who shall after the first day of June next, fell, or cut down any timber or trees growing on the banks of said creeks, or shall in any manner obstruct the navigation of the same, shall, for any such offence, be liable to pay a fine of twenty dollars, on due proof thereof being made to any Justice of the Peace of the proper county within which such offence shall be committed, unless such obstruction shall be removed within five days from the time any such offence shall have been committed, one moiety of which fine shall go to the use of the informer, and the other moiety to the improvement of the roads in the township in which the offence shall have been committed.

Passed 19th March, 1810.—Recorded in Law Book No. XII. page 84.

CHAPTER MMMCLXXXII.

An ACT supplementary to an act, entitled "An act relating to the association of individuals for the purpose of banking."

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That from and after the first day of May next, it shall be unlawful for any association of persons who now are, or hereafter may be connected for the purpose of banking, and who are not incorporated by law, to make, utter, or issue any bills or notes in the nature of bank notes payable to bearer, or order, or otherwise ; to loan any sum or sums of money upon any actual or accommodation note or

1810.

Penalty on persons cutting timber on or injuring the navigation of said creek.

How to be recovered and appropriated.

[See vol. 2, p. 580-1, vol. 4, p. 537, and post. 20th March, 1810.]

Unincorporated banks not to issue bank notes, &c.

Not loan money upon any accommodation note.

notes ; to receive any sum or sums in the nature of deposits ; or to do or perform any other act which an incorporated banking company may lawfully do. And if any person or persons, principals or agents of any such association for the purposes of banking, shall do or perform any of the acts hereby prohibited, each and every person so offending shall, on conviction thereof, before any alderman or Justice of the Peace, forfeit and pay for every such offence, the sum of one hundred dollars ; to be recovered in like manner as debts to that amount are by law recoverable ; one half thereof for the use of the informer, and the other half for the use of the commonwealth : and all the real estate, within this commonwealth, of each and every stockholder of every such association for the purposes of banking, shall be bound for each and every engagement made by the said association.

1810.

Nor receive deposits, &c.

Penalty for so doing.

How recovered, &c.

SECT. II. *And be it further enacted by the authority aforesaid,* That from and after the first day of May next, it shall be unlawful for any person or persons whatever to make any deposit or deposits in any such bank ; or to offer at any such bank any actual or accommodation note for discount ; or to take or transfer any share or shares of the stock of any such association for the purposes of banking. And if any person or persons shall do or perform any of the acts hereby prohibited, he or they shall, for every such offence, forfeit and pay the sum of one hundred dollars ; to be recovered and distributed in the same manner as is directed by the first section of this act.

Making deposits as aforesaid declared illegal.

Penalty for offending against this act.

SECT. III. *And be it further enacted by the authority aforesaid,* That from and after the first day of May next, it shall be unlawful for any person or persons to offer, or accept in payment any note or notes issued from any unincorporated bank or banks, knowing it to be such. And all payments which may be made or accepted from and after that day, wherein any such note or notes shall be the medium, shall be, and the same are hereby declared to be null and void.

Paying or receiving notes of said banks declared unlawful.

SECT. IV. *And be it further enacted by the authority aforesaid,* That nothing in this act contained shall be so construed as to discharge any person or persons, or any association of persons who may before the passing of this act have become engaged for the payment of any sum or sums of money, from such engagement ; or to prevent a recovery by them of any contract, note, or obligation, to which they may be parties, or have acquired ; or to prevent a settlement between the subscribers thereto, and reimbursement of the payment made.

Said associations not to be discharged from any engagement entered into heretofore.

SECT. V. *And be it further enacted by the authority aforesaid,* That nothing in this act shall extend to any partnership in trade or business in such manner, and for such purpose as hath been hitherto usual, and may be legally done ; but only to the business of banking, or making, issuing, or uttering of bills or notes payable to bearer, order, or otherwise ; to receive deposits ; and loaning monies on discount, in the manner herein referred to.

This act only to affect associations for the purpose of banking.

CHAPTER MMMCLXXXIV.

1810.

An ACT dissolving the marriage of Isaac Peck, and Susannah his wife.

SECT. 1. [MARRIAGE contract of Isaac and Susannah Peck dissolved. But not to affect the legitimacy of children born during the coverture.]

Passed 19th March, 1810.—Recorded in Law Book No. XII. page 87.

CHAPTER MMMCLXXXV.

An ACT to prevent Swine running at large within the township of Kingston, in the county of Luzerne.

WHEREAS the owners of lands in the township of Kingston, in the county of Luzerne, have heretofore sustained great damage and spoil in their meadows and cornfields, by swine running at large : And whereas the extension of the laws of this commonwealth, made to prevent the running of swine at large to the county aforesaid, has been found inadequate to a redress of the grievance by reason of the impracticability of keeping and supporting a sufficient fence or fences to prevent the trespassing of swine in that part of the aforesaid township bounded by the west bank of the Susquehanna river, in consequence of the frequent inundations of the same : For remedy whereof,

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the first day of April next, it shall not be lawful for any swine, hogs, shoats or pigs, to go at large in the township of Kingston, in the county of Luzerne, whether yoked and ringed, or not; therefore, if any person shall find trespassing on his, her or their lands, within the limits of the township aforesaid, any swine, hog or hogs, shoat or shoats, or pigs, it shall and may be lawful for him, her or them, all such swine, hogs, shoats or pigs, to take, drive and carry away, or cause to be taken, driven or carried away, and being so taken or carried away, the said takers shall forthwith acquaint the nearest justice of the peace thereof, and being by him legally attested that the said swine were taken trespassing as aforesaid, the said justice shall immediately appoint and order two disinterested persons of the neighbourhood, to make a just and reasonable appraisement of the damage done by the trespassing of the said swine, and the same being so made, to return to the said justice as soon as conveniently may be thereafter.

SECT. II. *And be it further enacted by the authority aforesaid, That* it shall be the duty of such justice of the peace within three days, next following the return of such appraisement to him made, to give public notice by three or more written or printed advertisements set up in three of the most public places in said township, designating particularly the number, marks, colour and appraisement

No hogs, &c.
to run at
large in
Kingston
township.

Hogs tres-
passing may
be taken up.

Proceedings
to be had
thereupon.

Justice to
give notice
of the ap-
praisement.

of all such swine, and by whom taken up, to the end, that the owner or owners may have notice thereof, and if the said owner or owners shall apply to the said justice within five days thereafter, and pay into his office the amount at which the damages were estimated by the said appraisers, together with the sum of fifty cents, to be paid to each of the appraisers, and the sum of twenty-five cents to the said justice, as a fee for his trouble therein, and also a reasonable compensation to the person or persons taking up such swine for their keeping, the said justice shall issue a notice to the person taking up such swine, requiring him or her to deliver forthwith all such swine, so by him or her taken up as aforesaid, to the said owner or owners, and upon neglect or refusal for the space of three days after demand made as aforesaid, he, she or they shall forfeit to the owner or owners, any sum not exceeding double the value of the swine, to be recovered for the use of the said owner or owners, before any justice of the peace, as debts and demands not exceeding one hundred dollars are now recoverable, with like right to appeal as in other cases, but if no owner or owners shall appear and make claim to such swine, within five days after the setting up the advertisements herein before directed, it shall be the duty of the said justice to order and direct the person or persons taking up such swine, to make sale of the same by public vendue or outcry, giving at least five days notice of the time and place of sale, and to make return of the monies arising from such sale to the said justice, who shall thereupon pay to the person or persons taking up such swine, the amount at which the damages to him, her or them were estimated by the said appraisers, as also the sum of fifty cents to each of the said appraisers, and retain the sum of twenty-five cents for his trouble therein, and the residue of the money arising from the said sale, shall be retained by the said justice for the space of twelve months next following the said sale, and if not called for within that time by the owner or owners of the said swine, he shall pay the same to the supervisors of the roads and highways, for the repair of the roads of the said township, and the owner or owners of all such swine shall be thereupon debarred from any claim or right to the same, any law, usage or custom to the contrary notwithstanding.

1810.

And in what manner.

How and within what time the owner may recover his hogs. And on what conditions.

Penalty for neglecting to deliver up the swine upon tender of satisfaction, &c.

If no owner appears, the swine to be sold.

Notice thereof to be given. Appropriation of the proceeds.

Surplus if unclaimed within one year how appropriated.

Passed 19th March, 1810.—Recorded in Law Book No. XII. page 88.

CHAPTER MMMCLXXXVII.

An ACT to authorize the Governor of this commonwealth, to incorporate a company for erecting a bridge over the river Delaware at the ferry of Adam Romig, in Durham township, Bucks county.

SECT. 1. [COMMISSIONERS named, who shall procure three books and enter therein the form or heading to the subscription. And give notice of the times and places of opening the books; and shall permit persons to subscribe, &c. The number of shares that may be subscribed for by each person, prescribed. If the books be not filled in three days the commissioners may adjourn. Notice

1810. of adjournment to be given. Books to be closed when six hundred shares are subscribed. Five dollars on each share to be paid on subscribing, and appropriation thereof. 2. When twenty-five persons or more shall have subscribed one hundred shares it shall be certified to the governor. Who shall issue letters patent to incorporate the company by the style and title of "The President, Managers and Company for erecting a bridge over the river Delaware, at the ferry of Adam Romig, in Durham township, Bucks county," with the usual corporate powers, and generally have like powers, authorities and privileges necessary for carrying on and completing said bridge, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to the like tolls and profits as are given and granted to the president, managers and company for erecting a bridge over the river Delaware, at the borough of Easton, passed March thirteenth, one thousand seven hundred and ninety-five. 3. No letters patent to issue until the legislature of New Jersey shall confer similar powers.]

Passed 19th March, 1810.—Recorded in Law Book No. XII. page 90.

CHAPTER MMCLXXXVIII.

(Vol. 2, pa.
363.)

A SUPPLEMENT to an act, entitled "An act to incorporate the German Society contributing for the relief of distressed Germans in the state of Pennsylvania."

SECT. 1. [THE office of deacon in the society abolished. 2. And residence of the officers of, extended. 3. Vacancies in, may be supplied by elections to be held by the society. 4. The sixth section of the original act repealed.]

Passed 19th March, 1810.—Recorded in Law Book No. XII. page 93.

CHAPTER MMCMXC.

An ACT to prevent devises and legacies from lapsing in certain cases.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, no devise or legacy in favour of a child or other lineal descendant of any testator, shall be deemed or held to lapse or become void by reason of the decease of such devisee or legatee, in the life-time of the testator, if such devisee or legatee shall leave issue, surviving the testator, but such devise or legacy shall be good and available in favour of such surviving issue, with like effect, as if such devisee or legatee had survived the testator: Provided always, That nothing herein contained shall be construed to effect any devise or legacy contained in the last will of any testator who shall have deceased before the passing of this act:*

No devise or legacy in favour of a lineal descendant to lapse in certain cases.

Proviso excepting certain devises, &c.

And provided also, That nothing herein contained shall be construed to defeat the intention of any testator, to exclude such surviving issue, or any of them.

1810.

Proviso as to
the intention
of the testa-
tor.

Passed 19th March, 1810.—Recorded in Law Book No. XII. page 94.

CHAPTER MMMCXCI.

An ACT enlarging and altering the charter of the rector, church wardens and vestrymen of the United Episcopal churches of Christ church and St. Peter's church, in the city of Philadelphia, in the province of Pennsylvania, and for other purposes therein mentioned.

SECT. 1. [CHARTER of Christ and St. Peter's churches extended so as to include St. James's church. Appropriation of the funds of said churches prescribed. Name of the corporation to be "The Rector, Church Wardens and Vestrymen of the United Churches of Christ church, St. Peter's church, and St. James's church in the city of Philadelphia," and the privileges defined and declared. 2. Their rules and regulations not to be repugnant to the laws, &c. of Pennsylvania. 3. The vestry to consist of twenty-four persons. 4. Yearly value of the lands, &c. held by, not to exceed six thousand dollars. 5. This act not to impair the former charter, except as is herein altered.]

Passed 19th March, 1810.—Recorded in Law Book No. XII. page 94.

CHAPTER MMMCXCH.

An ACT concerning the education of German redemptioners, who are minors.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* all masters or mistresses of German redemptioners who are minors, and who shall arrive at the port of Philadelphia after the passing of this act, shall give to the said redemptioner six weeks schooling for every year of his or her term of servitude: And it shall be the duty of the register of German passengers, to insert the same fully in their indentures.

Schooling to
be given to
German re-
demptioners.

Passed 19th March, 1810.—Recorded in Law Book No. XII. page 97.

CHAPTER MMMCXCH.

An ACT to provide for the payment of the taxes due on lands late the property of John Nicholson, deceased, on which the state had a lien.

SECT. 1. [COMMISSIONERS to make a statement of taxes accrued and unpaid on lands late of John Nicholson, previous to the

1810. sale thereof. And transmit the same to the auditor-general. Who shall draw his warrant for the amount found due. 2. Purchasers of said lands having paid such taxes, shall be allowed therefor.]

Passed 19th March, 1810.—Recorded in Law Book No. XII. page 97.

CHAPTER MMMXCIV.

An ACT exonerating, on certain conditions, William Wallace from the obligations of settlement and residence on certain lands therein mentioned.

SECT. 1. [WILLIAM WALLACE exonerated from certain conditions of settlement, on the reserved lands adjoining the town of Erie, purchased by him, on condition of draining the same, and rendering them fit for cultivation. 2. Commissioners to view, &c. And certify to the secretary of the land-office. Land, &c. to be forfeited in case the drains shall not be completed within three years.]

Passed 19th March, 1810.—Recorded in Law Book No. XII. page 98.

CHAPTER MMMXCXV.

An ACT to authorize the governor to incorporate a company for erecting a bridge over the river Monongahela, opposite Pittsburgh, in the county of Allegheny.

SECT. 1. [NAMES of the commissioners. Who shall provide a book or books, &c. for entering subscriptions. Notice to be given when and where the books shall be opened. One or more of the commissioners to attend at the time of subscribing. How long the books shall be kept open. If two thousand shares are not subscribed, the commissioners may adjourn, &c. Notice thereof to be given. Persons on subscribing to pay five dollars on each share. How to be appropriated. 2. When one thousand shares are subscribed, &c. the governor to create the subscribers into a body politic, by the name and style of "The President, Managers and Company for erecting a bridge over the river Monongahela, opposite the borough of Pittsburgh, in the county of Allegheny," with the usual privileges. 3. How and by whom notice shall be given of the time and place for organizing the corporation. What officers to be chosen. Of by-laws, &c. No stockholder to have more than five votes. 4. Annual meetings of the stockholders to be held on the first Monday of June. 5. Evidences of stock to be issued. Payment to be made thereon of ten dollars. Said certificates to be transferable. 6. When the officers shall meet. Five members of whom shall be a quorum. Minutes to be kept and entered. Powers of a quorum prescribed. 7. Penalty on neglecting to pay instalments. 8. Power to enter lands, &c. to take materials, but they shall make amends for any damage committed. And how

the damage shall be ascertained. Consent of the owners of the site to be first obtained before the bridge shall be erected. 9. Accounts of the receipts and expenditures to be kept, and submitted to the stockholders. When the number of shares may be extended. 10. Property of the bridge to be vested in the company for the term of forty years, after the bridge is completed. Rates of toll prescribed. *Provided*, That any person or persons attending funerals or any detachment of the military of this state, shall at all times be exempt from paying said toll. When the dividends exceed fifteen per cent. the excess shall go to freeing the bridge. Stockholders to be paid the appraised value of the bridge, &c. Bridge may be redeemed by the legislature. Terms of redemption. If the bridge be not freed in forty years, the company may continue to hold the same. 11. Penalty on taking illegal toll, &c. How recovered, and appropriation of the forfeitures. No suit to be brought after fifteen days. Appeal allowed to the Common Pleas, or certiorari, &c. 12. Account of tolls received to be kept, and dividends declared and paid. Notice thereof to be given. 13. Penalty on injuring the property of said corporation. How to be recovered. No suit to be brought after thirty days, &c. Appeal granted to the Common Pleas, &c. 14. Accounts, &c. to be laid before the legislature every three years. Tolls may be increased in case the dividends do not amount to six per cent. Further account to be rendered. 15. Limitation for beginning and completing the bridge.]

Passed 19th March, 1810.—Recorded in Law Book No. XII. page 99.

CHAPTER MMMCXCVI.

An ACT to enable the administrators of William Irwin, late of the borough of Pittsburgh, deceased, to convey a certain lot of ground to the purchaser thereof.

SECT. 1. [THE administrators of William Irwin, deceased, enabled to convey to John Irwin, a part of a lot of ground. No interest to vest in John Irwin until he or his legal representatives shall execute a deed to the said administrators, or some fit person or persons, for a part of lots numbered three hundred and forty-seven, and three hundred and forty-eight, herein before described, and pay or cause to be paid, the sum of five hundred dollars before mentioned, in trust, and for the use of the heirs of the said William Irwin, and the said trust shall cease and determine, and an absolute fee simple shall vest in the said heirs or minor children, as they shall respectively arrive at the age of twenty-one years.]

Passed 19th March, 1810.—Recorded in Law Book No. XII. page 107.

1810.

CHAPTER MMMCXCIX.

An ACT to enable the governor to incorporate a company for making an artificial road, beginning at the west end of the Lancaster; Elizabethtown and Middletown turnpike road, at or near Middletown; from thence to the line of William MacLay's land, adjoining the upper boundary of the borough of Harrisburgh, in Dauphin county.

SECT. 1. [COMMISSIONERS named. Who shall procure five or more books. When and where they shall be opened; form of subscription prescribed. Notice to be given. Three of the commissioners to attend. Who may subscribe. Books to be kept open six days, &c. Books may be transferred if six hundred shares be not subscribed in that time. And to be closed when said number is subscribed. Ten dollars to be paid at the time of subscribing, and appropriation thereof. 2. When two hundred shares, &c. are subscribed, the commissioners shall certify to the governor, who shall erect the subscribers into a body politic and corporate, by the style and title of "The President, Managers and Company of the Middletown and Harrisburgh Turnpike Road," with all the privileges incident to a corporation. 3. Notice to be given of the time for organizing the company. What officers shall be elected, and to have like powers, authorities and privileges necessary for carrying on and completing the said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to like tolls, in proportion to the distance as are given and granted to the president, managers and company of the Downingtown, Ephrata and Harrisburgh turnpike road; and generally to exercise all the powers and authorities as fully and absolutely as if the said law herein referred to was hereby enacted. The road to be begun within three and completed within seven years. Penalty for non-compliance. 4. When five miles are completed, the company may erect a gate, &c.]

Passed 19th March, 1810.—Recorded in Law Book No. XII. page 109.

CHAPTER MMMCC.

An ACT making appropriation and provision for carrying into effect the erection of a bridge over Bald Eagle creek in the county of Lycoming.

SECT. 1. [THE commissioners of Lycoming and Centre counties to contract for the erection of a bridge over Bald Eagle creek. And to receive any gratuity, &c. towards the same. Viewers to be appointed, and qualification to be taken by them. Who shall report in writing to the auditor-general. Who shall draw his warrant in favour of said commissioners for five hundred dollars. And a tax may be levied for the payment of arrearages.]

Passed 19th March, 1810.—Recorded in Law Book No. XII. page 112.

CHAPTER MMMCCIII.

1810.

An ACT to regulate the Fisheries in the river Delaware, and for other purposes.

(Vol. 4, pa.
118.)

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* in compliance with the request of the honourable the legislature of the state of New-Jersey, the supplement enacted by them, dated November twentieth, one thousand eight hundred and nine, to prolong the time for catching shad below the river Lehigh, to the falls of Trenton, until the fifteenth day of June; and above the river Lehigh to the station point, until the twentieth day of June, is hereby ratified and confirmed, and shall be as valid within this commonwealth, as if it had been re-enacted section by section, and shall be printed and annexed, as other laws of this state usually are, and shall go immediately into operation.

No shad to
be caught in
certain parts
of Delaware
river within
certain peri-
ods.

Passed 19th March, 1810.—Recorded in Law Book No. XII. page 114.

STATE OF NEW-JERSEY.

An ACT supplementary to the act, entitled "An act to regulate the fisheries in the river Delaware, and for other purposes," passed November 26th, 1808.

1. *BE it enacted by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That* it shall be lawful to make use of shad seines, or shad nets, for the purpose of catching fish in the river Delaware, within the limits of this state, between the foot of the falls of Trenton, and opposite the mouth of the river Lehigh, until the fifteenth day of June, and between the mouth of the river Lehigh, and the station point, or north-west corner of this state, until the twentieth day of June in each and every year, subject in all cases to the same regulations, fines and penalties, pointed out in the act to which this is a supplement.

2. *And be it enacted, That* his excellency the governor of this state, is hereby directed to transmit an attested copy of this act to the legislature of the commonwealth of Pennsylvania, and so soon as they shall comply with the provisions herein contained, then this shall be, and is hereby ratified and confirmed.

3. *And be it enacted, That* all such part or parts of the second section of the act to which this is a supplement, as comes within the purview of this act, be, and the same is hereby repealed.

Passed November 20th, 1809.

CHAPTER MMMCCIV.

An ACT for the relief of Martin Hyleman.

SECT. 1. [FORTY dollars to be paid to Martin Hyleman. And an annuity of like amount.]

Passed 19th March, 1810.—Recorded in Law Book No. XII. page 115.

1810.

CHAPTER MMMCCV.

[Vol. 2, pa.
572. Vol. 3,
pa. 197. Vol.
4, pa. 165.]

An additional supplement to the act entitled "An act to empower the wardens of the city of Philadelphia to extend the market-house in High-street, from Third-street to Fourth-street, from Delaware river; and to continue the same from time to time westwardly, from one street to another in the middle of High-street, as the wardens of the said city shall think necessary, and for other purposes therein mentioned."

Market-
house may
be extended,
&c.

Stalls in,
how they
may be dis-
posed of.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the corporation of the city of Philadelphia, when, and as often as they shall think proper, to extend the Market-house in High-street or elsewhere in the said city, to build a market-house or houses, to let or demise the one half of the stalls which they may erect to such persons from the country, as send or carry the produce of their farms to the said market and to no others, and to let the other half of the stalls so erected at their discretion to such person or persons, butchers or victuallers, as to them it may seem proper: any law, usage or custom to the contrary notwithstanding.*

No beef to
be sold in the
western part
of any mar-
ket-house
that may be
erected in
High-street,
&c.

SECT. II. *And be it further enacted by the authority aforesaid, That whenever the market-houses in High-street shall be extended, it shall not be lawful for any victualler to sell any beef in the western moiety of any market-house or shambles that may be erected at any time hereafter in High-street; but that the western moiety shall be let to such persons from the country, who send or carry the produce of their farms to market, and to no others; and that the one half of the stalls that may be erected elsewhere, shall also be let to such persons from the country, who send or carry the produce of their farms to market, and to no others: Provided, That the annual rent so to be charged and received, shall not exceed twenty dollars per stall.*

Annual rent
thereof not
to exceed
20 dollars per
stall.

Passed 19th March, 1810.—Recorded in Law Book No. XII. page 115.

CHAPTER MMMCCVI.

An ACT to provide for the payment of ammunition, for the regiment of artillery in the city and county of Philadelphia, and other artillery corps of this commonwealth.

SECT. 1. [ONE hundred and one dollars and ten cents to be paid to Frederick Erringer, Samuel Richards and William Weir, or order.]

Powder for
the different
artillery
corps, how
paid for.

SECT. II. *And be it further enacted by the authority aforesaid, That the accounts of persons furnishing the ammunition which the governor shall direct to be delivered to the commandant of the regiment of artillery of the city and county of Philadelphia, and to the commandants of other artillery corps of this commonwealth,*

from time to time, by the eleventh section of an act, entitled "**A** 1810. supplement to the act for the regulation of the militia of the commonwealth of Pennsylvania;" passed the twenty-sixth day of March, one thousand eight hundred and eight, shall after settlement thereof by the accounting officer, agreeably to the common usage, the amount thereof shall be paid out of any unappropriated monies in the treasury, according to law; *Provided*, it does not exceed twenty dollars per annum for each company. Not to exceed 20 dols. per ann. for each company.

Passed 19th March, 1810.—Recorded in Law Book No. XII. page 116.

CHAPTER MMMCCVIII.

An ACT to enable the governor to incorporate a company for making an artificial road from Sunbury, in the county of Northumberland, to Aaronsburgh, in Centre county, passing through Northumberland, Derrstown and Youngmanstown.

SECT. 1. [COMMISSIONERS named. Who shall procure three books; and form of subscription therein prescribed. Notice to be given where and when the books are to be opened. When sixteen hundred shares are subscribed, the books shall be closed. One dollar to be paid on each share on subscribing, and appropriation thereof. **2.** When five hundred shares are subscribed, the commissioners shall certify the same to the governor, who shall then erect the subscribers into a body corporate, by the name and style of "The President, Managers and Company of the Buffaloe and Penn's Valley Turnpike Road," with the powers incident to a corporation. **3.** Notice to be given of the time for organizing the corporation. What officers shall be chosen. By-laws, &c. may be made. Tolls, &c. granted to said company, and to have like powers with the Reading and Sunbury turnpike company. Payments, &c. not to exceed one per cent. per month. Road not to be less than eighteen feet wide. **4.** Tolls, &c. of the company may be farmed by auction. **5.** If five hundred shares be not subscribed within four years the corporation to be dissolved, &c.

Passed 19th March, 1810.—Recorded in Law Book No. XII. page 118.

CHAPTER MMMCCIX.

An ACT to direct the sale of a certain lot of ground, the property of this commonwealth, situate in the township of the Northern-Liberties, in the county of Philadelphia.

WHEREAS, by an act of the general assembly of the commonwealth of Pennsylvania, passed the first day of April, one thousand seven hundred and eighty-four, the president and vice president of the supreme executive council were empowered to appoint two or more, commissioners to expose to public sale, and sell to the highest bidder, the lot of ground and barracks situated and be-

1810. ing in the Northern-Liberties of the city of Philadelphia. And whereas it appears that the lots of ground so described were sold, and the proceeds thereof paid into the treasury, excepting one lot, which was not claimed by the purchaser, remains the property of the commonwealth: Therefore,

A certain lot
in the North-
ern-Liberties
to be sold.

Proceeds of,
to be paid
into the
treasury.
Commissions
of sale, &c.
to be paid.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the governor be authorized and directed to appoint a commissioner who shall, upon the usual public notice being given, make public sale, at the town house in the Northern-Liberties, to the best and highest bidder, of the lot situated in the Northern-Liberties, as before described; and execute a good and sufficient deed of conveyance, in fee simple, to the purchaser or purchasers; and the monies arising from the sales aforesaid shall be paid into the treasury of this commonwealth, and the accounting officers are hereby directed to settle the commissions and charges accruing on said sale, and the amount thereof shall be paid out of any unappropriated monies in the treasury, on a warrant drawn on the state treasurer by the auditor-general.

Passed 19th March, 1810.—Recorded in Law Book No. XII. page 121.

CHAPTER MMMCCX.

An ACT to enable the governor to incorporate a company for making an artificial road from the bridge on Conewago, through Falmouth, to intersect the Lancaster and Middletown turnpike road, at or near Elizabethtown.

SECT. 1. [COMMISSIONERS named. Who shall procure two books. Form of subscription therein, prescribed. Notice to be given, when and where the books are to be opened. Three of the commissioners to attend. Who may subscribe. Books to be kept open two days, &c. Books may be transferred if the whole number of shares be not subscribed; and shall be closed when three hundred and fifty shares are subscribed. Ten dollars to be paid on subscribing. How appropriated. 2. When fifty persons or more shall have subscribed one hundred and fifty shares, the commissioners shall certify to the governor, who shall thereupon erect the subscribers into a body corporate. Name and style of, "The President, Managers and Company of the Falmouth turnpike road," with the powers incident to a corporation. 3. Notice to be given when the corporation shall be organized. Officers to be chosen, and to have like powers, authorities and privileges necessary for carrying on and completing the said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to like tolls in proportion to the distance, as are given and granted to the president, managers and company, of the Lancaster, Elizabethtown, and Middletown turnpike road. The bridge to be commenced within three, and finished within seven years, &c.]

Passed 19th March, 1810.—Recorded in Law Book No. XII. page 126.

CHAPTER MMMCCXI.

1810.

An ACT supplemental to an act, to prevent frauds in the packing and preserving of shad and herring for exportation.

(Vol. 1, pa. 413.)

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the casks used for packing shad and herring for exportation may be made of any kind of timber, made tight and sufficient to contain the salt and pickle, and hooped with at least fourteen good and substantial hoops, secured at each bilge with three nails or pins, and at each head or chine* hoop with at least three nails. And the casks shall be of the following dimensions, *viz.* The length of the stave, when in the cask, shall be twenty-seven and an half inches, the head seventeen and an half inches, the bilge twenty inches, and to contain twenty-eight gallons, wine measure; and every half barrel, containing shad or herring designed for exportation, shall be of the gauge of fourteen gallons, of the measure aforesaid; and each and every barrel or half barrel of shad or herring designed for exportation, shall be branded with the initial letter of the Christian name, and the surname at full length, of the person or persons putting up the same, or of the person selling such shad or herring under the penalty of sixty-seven cents for each and every barrel sold and delivered, not branded as aforesaid. And in case the aforesaid barrels or half barrels of shad or herring, not being branded as aforesaid, and after the fine being paid, the aforesaid inspector may brand them with his name, in the manner aforesaid; for which he shall demand and receive, from the person or persons selling the same, the sum of six cents.

How and of what size, &c. the casks shall be made,

Barrels to contain 28 gallons, wine measure.

And shall be branded with the Christian and surname of the seller.

Penalty for neglecting the same. In what case the Inspector may brand, &c.

Fee allowed him therefor.

Shad and herring designed for exportation shall be inspected, &c. and branded.

SECT. II. *And be it further enacted by the authority aforesaid, That* herring designed for exportation or transportation may be exported in tight casks, if sound and merchantable, well packed and secured with a proper quantity of dry salt; every barrel or half barrel of shad or herring designed for exportation or transportation shall, before the sale, exportation or transportation thereof, be carefully inspected and examined by the inspector of salted provisions for the time being, who shall pass as merchantable, and brand with the lawful brand for salted provisions of this commonwealth, each and every barrel or half barrel, being of the materials and dimensions herein before directed, and described, and which shall respectively contain the proper quantity of sound and merchantable shad or herring, and be secured in the manner aforesaid; and the said inspector for the time being shall erase, and effectually deface, the brand mark or marks off and from each and every barrel or half barrel, containing shad or herring designed for exportation or transportation as aforesaid, which shall not be of the dimensions, and made in the way herein before mentioned; and which shall not be of the quality, and packed and secured in the manner herein before directed and described. And if the same cannot be rendered

Brands to be erased if the fish be not merchantable, &c.

If the same cannot be

* "chine" in the original.

1810.

rendered
merchanta-
ble by re-
packing, &c.
a \times to be
branded on
the cask.

Penalty for
selling fish
before they
have been
inspected.

And for eras-
ing the
marks of in-
spection.

33 cents to
be allowed to
the inspector
for repack-
ing, &c.

And for fil-
ling up and
healing, ten
cents.

Provido.

merchutable, according to the requisitions and meaning of this act, by salting, pickling, repacking and coopering thereof, then the said inspector for the time being shall impress and brand a distinct mark of a cross, thus \times ; (each stroke of the said cross being at least two and an half inches in length,) upon one head of each and every barrel or half barrel, containing shad or herring, so as aforesaid incapable of being rendered merchantable.

SECT. III. *And be it further enacted by the authority aforesaid,* That all and every person or persons, who shall sell and deliver any barrel or half barrel of shad or herring for exportation or transportation, to the purchaser or purchasers thereof, before the same has been duly examined by the inspector for salted provisions, and branded with the lawful brand for salted provisions of this commonwealth, in the manner herein before directed, or who shall lade or ship on board any vessel or vessels, for exportation or transportation out of this state, or who shall refuse to allow or suffer the said inspector in the cases aforesaid to erase, and effectually deface the brand, mark or marks off and from every barrel or half barrel of shad or herring, and if need be to impress and brand thereon the said mark of a cross as aforesaid, shall forfeit and pay for each and every barrel or half barrel so sold and delivered, and for each and every barrel or half barrel so laden or shipped on board any vessel or vessels as aforesaid, and for each and every barrel or half barrel from which he, she or they shall refuse to allow or suffer the said brand mark or marks to be erased and effectually defaced as aforesaid, and for each and every barrel or half barrel whereon he, she or they do refuse to allow and suffer the said mark of a cross to be impressed and branded as aforesaid, the sum of one dollar and thirty-three cents; and all and every person or persons who shall, by any means whatsoever, wilfully erase or deface the said mark of a cross, after the same has been duly impressed and branded by the said inspector upon any barrel or half barrel as aforesaid, shall forfeit and pay the sum of twenty dollars for each and every barrel and half barrel off and from which the said mark of a cross shall be erased or defaced; the said sums of money or forfeitures to be recovered and applied in the manner hereinafter provided and declared.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the said inspector for the time being shall and may lawfully demand, receive and take from the person or persons selling the same, the sum of thirty-three cents for each and every barrel or half barrel of shad or herring he may repack; and for each and every barrel or half barrel of shad or herring he shall fill up and head, the sum of ten cents; and for each and every barrel or half barrel of shad or herring sold at, and exported from the port of Philadelphia, the customary allowance and compensation for the expense and trouble of cooperage in putting the same into good and merchantable order and condition: *Provided,* That it shall and may be lawful to and for the owner, owners, or sellers of such shad or herring to employ any person or persons, other than the said inspector for the time being, to do, execute and perform the cooperage necessary to put the same in good and merchantable order and condition as aforesaid; and in that case the said inspector for the

time being shall not be entitled to have or receive any allowance or compensation whatever for or on account of said cooperage. 1810.

SECT. V. *And be it further enacted by the authority aforesaid,* That each and every barrel and half barrel of shad or herring inspected and branded as aforesaid shall, if lying on hand, unsold and not exported from the aforesaid port of Philadelphia for six months from and after such inspection and branding be again examined by the aforesaid inspector, and if found sound and merchantable, agreeably to the intent and meaning of this act, they shall or may be exported or transported as aforesaid; but if unsound, they shall be subject to the same regulations as stated in the second section of this act, and the aforesaid inspector shall have and receive from the person or persons selling the aforesaid barrels or half barrels of shad or herring, for his expense and trouble for opening, examining and heading each and every barrel as aforesaid, the sum of three cents.

Unexported fish to be examined every six months. And similar proceedings had as before mentioned.

Compensation of the inspector.

SECT. VI. *And be it further enacted by the authority aforesaid,* That all and singular the forfeitures and penalties in and by this act (or the act to which this is a supplement) imposed, shall be collected by the inspector of salted provisions for the time being; one half thereof to be paid over by him to the guardians of the poor, in and for the city and county of Philadelphia, for the use and benefit of the poor of the said city, and districts thereto annexed; and the other half thereof to be retained by the said inspector; and if the said forfeitures and penalties be under the sum of one hundred dollars, the same shall and may be sued for and recovered in like manner as debts under one hundred dollars may be sued for and recovered within this commonwealth; or if the said forfeitures and penalties be above the sum of one hundred dollars, the same shall and may be sued for and recovered by bill, plaint or information, in any court of record within this commonwealth.

Penalties to be collected by the inspector for the time being. How appropriated.

Mode of recovery.

SECT. VII. *And be it further enacted by the authority aforesaid,* That so much and no more of the act to prevent frauds in the packing and preserving of shad and herring for exportation, as is hereby altered and supplied, be, and the same is hereby repealed.

Parts of a former act repealed

Passed 19th March, 1810.—Recorded in Law Book No. XII. page 122.

CHAPTER MMMCCXII.

An ACT to afford immediate relief to Philip Jones, and granting him an annuity.

SECT. 1. [FORTY dollars to be paid to Philip Jones, and an annuity of like amount to Michael M'Clees, for his use. How to be expended, and Michael M'Clees, &c. to account to the Orphans' Court of Chester county.]

Passed 19th March, 1810 —Recorded in Law Book No. XII. page 125.

1810.

CHAPTER MMMCCXIII.

An ACT to enable the governor to incorporate a company for making an artificial road from Anderson's ferry on the Susquehanna, to intersect the turnpike road from the borough of Lancaster to Columbia, at or near the five mile stone.

SECT. 1. [COMMISSIONERS named; who shall procure one book. Entry therein prescribed. Notice to be given of the times and places of opening the books. Three of the commissioners to attend. Who may subscribe. If the books shall not have three hundred shares subscribed therein within three days, they may be transferred. Notice of which to be given. When three hundred and fifty shares are subscribed the books shall be closed. Ten dollars to be paid on subscribing. How appropriated. 2. When fifty persons have subscribed two hundred shares the commissioners shall certify the same to the governor, who shall thereupon erect the subscribers into a body corporate. Name and style of, "The President, Managers and Company of Anderson's ferry, Waterford and New-Haven turnpike road," with the powers incident to a corporation. 3. Notice to be given of the organization of the company. Officers to be chosen, and the said managers so chosen, and their successors shall and may make such by-laws, rules, orders, and regulations, not inconsistent with the constitution and laws of the United States, or of this commonwealth, as shall be necessary for the well-ordering the affairs of the said company, and generally have like powers, authorities and privileges necessary for carrying on and completing the said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to like tolls and profits, in proportion to the distance, as are given and granted to the president, managers and company of the Lancaster and Susquehanna turnpike road. *Provided*, That no toll be demanded or taken from any person passing or repassing from one part of his or her farm to another, or to and from any place of public worship, or funeral, or from the militia on days of muster. The work to be commenced within three, and completed within seven years.]

Passed 19th March, 1810.—Recorded in Law Book No. XII. page 128.

CHAPTER MMMCCXIV.

An ACT establishing an academy in the borough of Somerset, in the county of Somerset.

SECT. 1. [ACADEMY established in Somerset by the style of "The Somerset Academy." 2. Two thousand dollars granted to it. Trustees named, and how said money shall be applied.]

Passed 19th March, 1810.—Recorded in Law Book No. XII. page 131.

CHAPTER MMMCCXV.

1810.

An ACT to prohibit in Courts of Justice, the reading or quoting of British precedents subsequent to the fourth of July, one thousand seven hundred and seventy-six.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the first day of May next, it shall not be lawful to read or quote in any court in this commonwealth, any British precedent or adjudication which may have been given or made subsequent to the fourth day of July in the year one thousand seven hundred and seventy-six: *Provided, That* nothing herein shall be construed to prohibit the reading of any precedent of maritime law, or of the law of nations.

No British case adjudicated subsequent to July 4, 1776, to be read in the courts of this commonwealth. Those relating to maritime law or the law of nations excepted.

Passed 19th March, 1810.—Recorded in Law Book No. XII. page 131.

CHAPTER MMMCCXVI.

An ACT establishing an academy in the borough of Gettysburgh, in the county of Adams, and granting a sum of money thereto.

SECT. 1. [AN academy established in Gettysburgh, by the style and title of “Gettysburgh Academy.” Trustees named. Who and their successors to be a body corporate, with the usual corporate powers. 2. Number of trustees to be eight. No one of, to serve longer than four years, without being re-elected. Five members to be a quorum. How the members shall be changed. Two trustees to be elected annually, on the second Tuesday in October. How vacancies by death are to be supplied. 3. First meeting to be held on the third Tuesday in May next, &c. 4. Treasurer to be appointed. Who shall give bond, &c. 5. Two thousand dollars granted to said academy. How to be appropriated. And poor children to be admitted, to be taught gratis, not exceeding four at any one time. 6. Penalty on the trustees neglecting to exhibit their accounts annually to the auditors of Adams county if required.]

Passed 19th March, 1810.—Recorded in Law Book No. XII. page 132.

CHAPTER MMMCCXVII.

An ACT for the removal of the seat of justice in Wayne county, from Bethany, to a place, at or near the centre of the said county.

[See note to chap. 1975, vol. 3, pa. 319 and see chap. 2320, vol. 4, pa. 11.]

WHEREAS it appears to the legislature, that those inhabitants of Wayne county who live near the line of Northampton county and along the river Delaware below Milford are subjected to very great hardships in their attendance on courts and public business at Bethany, on account of the great distance and the uninhabitable re-

1810.

gion over which they are obliged to travel. And whereas it also appears, that Bethany is situate many miles to the north of the territorial centre of Wayne county; and that by a removal of the seat of justice to a place at or near the said centre, the inhabitants first above mentioned would gain some relief, whilst the inhabitants of the upper townships would not suffer any material disadvantage by such removal: Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the governor be, and he is hereby authorized and required to appoint three persons as commissioners, to fix on a place for the seat of justice, at or within five miles of the territorial centre of the said county: *Provided, That* none of the commissioners so to be appointed, shall be an inhabitant of Wayne county, or be owner of any lands within ten miles of the aforesaid centre: *Provided also, That* if one or more of the said persons should, after being appointed, refuse to serve, the governor shall appoint another or others as often as it shall be necessary.

SECT. II. *And be it further enacted by the authority aforesaid, That* it shall be the duty of the said commissioners, to proceed to the said county, and view as much thereof as shall be necessary to enable them to fix on a place as aforesaid: and they are also hereby authorized and required to receive and make proposals from, and to as many persons as they shall think proper as to terms and conditions of grants and conveyances to be made of lands for the use of public buildings, and for the benefit of the county, and to take a conveyance or conveyances from any person or persons to the commissioners of the county of Wayne and their successors, for the use of the said county. And they are also hereby authorized to receive any other beneficial proposals, such as payment of money towards erecting public buildings, or an undertaking to erect them free from county expense, and to accede to any such offers and proposals as they may think proper: *Provided always, That* they take sufficient conveyances or covenants, with sureties if they shall think it necessary, or other instrument or instruments of writing for the purpose of duly securing to the said county, the lands, gifts, or other benefits before mentioned: *Provided also, That* all such conveyances, covenants, and other instruments be made to the county commissioners or their successors in office for the use of the said county. And it shall further be the duty of the said commissioners first named, to deliver over, or cause to be delivered over to the county commissioners, the conveyance or conveyances aforesaid. And they, the first named commissioners, shall be entitled to receive from the treasurer of Wayne county who is hereby required to pay to each of them the sum of three dollars for every day during which they shall have been employed in the duties mentioned in the preceding sections.

SECT. III. *And be it further enacted by the authority aforesaid, That* as soon as the county commissioners aforesaid shall have received the conveyance or conveyances aforesaid, they shall proceed to lay out the same in proper town and out lots, and shall sell at

The governor to appoint three commissioners to fix on a site, &c.

No one of whom shall reside in Wayne county. Proviso.

Duty of the commissioners.

May receive and make proposals.

May receive money, &c.

Proviso.

All conveyances to be taken for the use of said county. Which shall be delivered, &c.

Commissioners to receive three dollars per day.

Shall lay out the town and out lots.

public auction after due notice given, and convey in fee simple, clear of any reservations whatsoever, so many of the said town and out lots as they may think proper, and to appropriate the monies arising from such sales for the purpose of erecting a court-house and prison for the use of the county aforesaid: *Provided always*, That they reserve a sufficient quantity of land in the most proper place, for the public buildings of the said county. 1810.

SECT. IV. *And be it further enacted by the authority aforesaid*, That the said county commissioners are hereby authorized and required as soon as may be done, to erect a court-house and prison on some convenient and proper spot or spots within the place fixed on, by the first named commissioners. And as soon as a court-house and prison shall be completed so far as to answer the purposes for which such buildings are erected, the public offices and all records and papers thereto belonging, shall be transferred and removed from Bethany to the place aforesaid; and it shall also be the duty of the sheriff of Wayne county, to remove all the prisoners from the gaol of Bethany, to the new gaol aforesaid, and thenceforth, the place where such new court-house and gaol shall have been erected, and no other shall be the seat of justice of Wayne county: and all the public or county offices shall be kept, and all the courts be held at the place aforesaid.

Commissioners to erect a court-house and prison.

Offices, records, papers and prisoners to be removed thereto from Bethany.

SECT. V. *And be it further enacted by the authority aforesaid*, That for the purpose of defraying the expense of erecting a court-house and prison as aforesaid, as well as all the expenses incident to the removal of the offices and records and prisoners, the county commissioners aforesaid are hereby authorized to raise the sum necessary by one or more county tax or taxes: *Provided always*, That the sum to be added for this purpose to the sum which the said commissioners shall think proper to raise for other purposes, shall not be more than one-fourth of the latter sum.

Tax may be levied for erecting said buildings, &c.

Proviso,

SECT. VI. *And be it further enacted by the authority aforesaid*, That so much of any other act, as is contrary to or inconsistent with the present act, shall be and the same is hereby repealed.

Repealing section.

Passed 19th March, 1810.—Recorded in Law Book No. XII. page 134.

CHAPTER MMMCCXVIII.

An ACT for the purpose of adjusting the Titles to Lands in Bedford and Ulster townships, in Luzerne and Lycoming counties.

[See chap. 2042, and the note thereto, vol. 3, p. 362.]

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That the governor of this commonwealth be, and he is hereby authorized and required to appoint three commissioners, whose duty it shall be to proceed to, and carefully examine and ascertain the quantity, quality and situation of all the lands (excepting such as are hereinafter excepted) lying within the township of Bedford, Luzerne county, and the township of Ulster, as originally surveyed, under

The governor or to appoint three commissioners. Duties of.

1810. the rules and regulations of the Connecticut Susquehanna Company, in Lycoming county, claimed under a Pennsylvania title, by a patent, or a location, or warrant, on which a survey has been executed and returned, agreeably to law, prior to the twenty-eighth day of March, one thousand seven hundred and eighty-seven, and to resurvey and divide the same, according to their value, into four classes, distinguished by the name of first, second, third and fourth class; the first class to contain lands of the greatest value, and the second, third and fourth classes of inferior value, preserving a due proportion between each; and shall adjudge what sum per acre each Pennsylvania claimant shall receive, not exceeding the rates hereinafter mentioned.

Shall divide the land into four classes, &c.

Shall adjudge what sum shall be paid to each Pennsylvania claimant.

Land of the first class to be five dollars per acre. Second class, three dollars. Third class, one dollar fifty cents. Fourth class, twenty-five cents.

Pennsylvania claimants to receive certificates of the value of their lands.

Amount found due to be paid by the treasurer.

Disputes between Pennsylvania claimants to be settled by the board of property, &c.

Appeal granted.

Secretary not to certify to the accounting department until a final decision.

SECT. II. *And be it further enacted by the authority aforesaid,* That to such of the Pennsylvania claimants, having title to lands within the aforesaid townships, of either of the said classes who shall comply with the conditions of this act, such compensation shall be made as the commissioners shall award, not exceeding the rates hereinafter specified, in manner hereinafter directed; *that is to say,* to those whose lands shall be in the first class, a sum not exceeding five dollars per acre; to those whose lands shall be in the second class, a sum not exceeding three dollars per acre; to those whose lands shall be in the third class, a sum not exceeding one dollar and fifty cents per acre; and to those whose lands shall be in the fourth class, a sum not exceeding twenty-five cents per acre; in all cases having due regard to quality and situation.

SECT. III. *And be it further enacted by the authority aforesaid,* That every Pennsylvania claimant, who shall accept of the compensation affixed by the commissioners, for lands certified to settlers in pursuance of this act, shall be entitled to receive from them, certificates, stating the quantity, quality and prices of the same; which certificates shall be presented to the secretary of the land-office, who shall certify the amount of the purchase money and interest (if any) which may remain due to the commonwealth on the lands therein described, to the accounting department, who shall deduct the same from the compensation affixed by the commissioners, and the balance thus settled and adjusted by the said department shall be paid by the treasurer on warrants drawn by the auditor-general: *Providing always,* That cases of dispute between Pennsylvania claimants shall be decided by the board of property, previous to the secretary of the land office certifying as aforesaid; but nothing in this act shall be construed to prevent the party against whom a decision shall be made, from prosecuting an appeal in the Court of Common Pleas, in the county where the seat of government is* or may be established, for the time being; and in case of an appeal from the decision of the board of property, the said secretary shall not certify to the accounting department, nor the money be paid until a final decision upon such appeal; which appeal shall be entered, and the said secretary notified thereof, within ten days after a decision is made by the board of property.

* The word "is" omitted in the original.

SECT. IV. *And be it further enacted by the authority aforesaid,* 1810.
 That any Pennsylvania claimant, whose lands shall be included within the said townships, and who shall refuse to accept the compensation affixed by the commissioners, shall be at liberty, after certificates shall have been issued to the settlers for his said lands, to institute a suit or suits against this commonwealth for a recovery of the value of the same, in the courts of Common Pleas, in the respective counties where they are situate; at which trial the court and jury shall have power to award a just compensation for the lands, certified as aforesaid: *Provided,* He shall, in the course of the said trial, make it appear to the court and jury that he is fully, fairly and exclusively entitled to such land under this commonwealth, except as against the person or persons claiming the same, by virtue of a certificate or patent, granted under the authority of this act; and upon such trial being determined in favour of the Pennsylvania claimant, the plaintiff in the said suit, he, she or they shall be entitled to receive the full sum awarded in his, her or their favour, on presenting a certificate of the verdict and judgment in such suit, with the costs taxed in the usual manner, certified by one or more of the judges before whom the trial was had, and by the clerk of the court, to the accounting department, who shall deduct the purchase money and interest which may remain due and unpaid on the land in question, which shall be ascertained by the secretary of the land-office, and certified by him to the accounting officers, and the balance shall be paid by the treasurer on a warrant drawn by the auditor-general: *Provided also,* That in case said Pennsylvania claimant should not recover a greater sum before said court and jury than the sum fixed on by the said commissioners, he shall pay all the costs of suit.

Pennsylvania claimants may institute suits, &c.

Proviso.

Amount due to be paid by the accounting department, &c.

Proviso.

SECT. V. *And be it further enacted by the authority aforesaid,*
 That it shall be the duty of the commissioners to examine and ascertain the rights of lots (excepting such as are hereinafter excepted) which were occupied and acquired by Connecticut claimants, actually settlers, with said townships, or some one of the seventeen townships prior to the twenty-eighth day of March, one thousand seven hundred and eighty-seven, and to allot the same to them, their heirs or assigns, agreeably to lines heretofore run and established among them, and to divide the same into four classes, in like manner as is directed in the first section of this act; and they shall make out certificates therefor, with a draft of survey thereto annexed, and deliver the same to the settlers, their heirs or assigns, who shall pay for the lands so allotted to them the same prices as those affixed by the commissioners as the compensation to Pennsylvania claimants; *to wit,* for the first class, a sum not exceeding five dollars per acre; for the second class, a sum not exceeding three dollars per acre; for the third class, a sum not exceeding one dollar and fifty cents per acre; for the fourth class, a sum not exceeding twenty-five cents per acre; with interest from the date of said certificate, and payable in eight equal annual instalments, the first of which shall be due in three years after the date of such certificate, and within the first two years, said settler, his or her heirs or assigns, shall make application, with such certificate, at the land office, and obtain a patent for his,

Commissioners to ascertain the lots occupied by Connecticut claimants, &c.

And divide the same, &c.

And make and deliver certificates of the same.

1810. her or their land, paying the surveying and office fees: *Provided*, That not more than four hundred acres shall be certified as aforesaid, in right of any one settler, nor shall a greater quantity than four hundred acres be contained in any one patent.

The secretary to issue patents, &c.

SECT. VI. *And be it further enacted by the authority aforesaid*, That the secretary of the land-office shall issue a patent or patents for his, her or their respective lands, and on said patent or patents, certify the amount of the purchase money due for the land therein described, and the periods on which the same shall become due, which sum or sums, so certified, shall be and remain in the nature of a mortgage, until the money shall be paid; and such patent or patents shall be recorded in the county where the land lies, within six months after the date or dates thereof, or the same shall be of no force and validity whatever, and that such record, as aforesaid, in the proper county, shall be as good evidence of the purchase money* due to the commonwealth, and upon which to bring a suit for a recovery of the same, as if it had been secured by mortgage, in proper form, and recorded at large.

Patents to be recorded within six months.

Such record to be evidence, &c.

No certificate to issue for lands, &c.

SECT. VII. *And be it further enacted by the authority aforesaid*, That nothing in this act contained shall be construed or understood to authorize or empower the said commissioners to certify to any person or persons any land within the aforesaid townships, held or claimed under a Pennsylvania title, under a patent, location, warrant, or settlement, where the Pennsylvania claimant is in the actual possession or occupancy of the land, either by himself or tenant, at the time of passing this act.

Claimants not to hold under a joint title.

SECT. VIII. *And be it further enacted by the authority aforesaid*, That each and every person or persons claiming the provisions of this act, shall prove, to the satisfaction of the commissioners, that he, she or they do not hold under a joint title of Pennsylvania and Connecticut, but that he, or she or they hold exclusively under one or the other, and have not done any thing, directly or indirectly, to destroy or conceal such joint title, with a view of coming within the provisions of this act.

Commissioners to take an oath of office.

Governor may supply vacancies.

SECT. IX. *And be it further enacted by the authority aforesaid*, That each of the said commissioners, before he acts, shall take an oath or affirmation before some judge or justice of the peace, that he will diligently, faithfully and impartially discharge the duties assigned him by this act; and in case either of the commissioners should die, or refuse or become incapable to act, the governor shall appoint a person to supply his place; and all acts by a majority of the said commissioners shall be as valid as if they had all joined therein.

Shall keep an account of their proceedings.

May appoint a clerk, &c. Who shall take an oath.

SECT. X. *And be it further enacted by the authority aforesaid*, That the commissioners shall keep a regular account of their proceedings in a book, which shall, on or before the second Tuesday in December next, be deposited by them in the land-office; and they may appoint a clerk, who shall be sworn or affirmed by them, faithfully and diligently to register all their proceedings in pursuance of this act, and they may appoint a surveyor or surveyors, and employ

* The word "money" interlined with a lead pencil in the original.

chain-carriers and markers, for the purpose of making such surveys as they shall judge necessary; and the said surveyors, chain-carriers, and markers shall be sworn, by one of the commissioners, faithfully and diligently to perform their respective duties, and shall receive a reasonable compensation for their services, to be fixed by the commissioners and paid by the commonwealth; and all surveys made by the direction of the said commissioners, shall by them be returned to the office of the surveyor-general.

1810.

Surveys to be returned to the surveyor-general's office.

SECT. XI. *And be it further enacted by the authority aforesaid,* That cases of dispute, between the settlers claiming under a settlement or Connecticut right, shall be decided by the said commissioners.

Disputes, &c. to be settled by the commissioners.

SECT. XII. *And be it further enacted by the authority aforesaid,* That there shall be allowed, and paid out of the public treasury, to each of the commissioners, three dollars per day, and to their clerk two dollars per day, for each day they may be respectively employed in performing the duty required by this act.

Commissioners to receive three dollars per day.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That the said commissioners shall perform and complete the duties enjoined upon them by this act, on or before the second Tuesday of December next, and they shall lay before the next legislature of this commonwealth a full statement of their proceedings, and of the expenses incurred by them, as wages to themselves, clerks, surveyors, and chain-carriers, and markers; and that a sum not exceeding two thousand dollars be, and is hereby appropriated for the payment of such expenses, after the accounts of the said commissioners shall have been adjusted by the accountant officers.

Commissioners duties to be performed before the 2d Tuesday in December next.

Accounts of to be laid before the next legislature.

Passed 19th March, 1810.—Recorded in Law Book No. XII. page 136.

CHAPTER MMMCCXIX.

An ACT regulating Arbitrations.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the first day of May next, it shall and may be lawful for either party, his, her or their agent or attorney, in all civil suits or actions, pending, or that may hereafter be brought in any court of this commonwealth, having either original or appellate jurisdiction of such suits or actions, to enter at the prothonotary's office, at any time after the entry of such suits or actions, excepting appeals to the register's court, or issues directed by the said court, a rule of reference, wherein the said party shall state his, her or their determination to have arbitrators chosen on a day certain, to be mentioned therein, not exceeding thirty days thereafter, for the trial of all matters in variance in such suit or action between the parties; which rule shall be entered on record by the prothonotary, and the following proceedings shall be had thereon: *that is to say,* The party, whether by his, her or their agent or attorney, or otherwise, enter-

After the first of May next, all suits may be referred.

Appeals to the register's court excepted, &c.

Time of trial to be within thirty days after entry of the rule.

1810. ing the rule of reference, shall, under the penalty of ten dollars, to be recovered by the adverse party, as debts of equal amount are by law recoverable, procure from the prothonotary a copy thereof, under his hand and seal, and serve, or cause to be served, the same, or a copy thereof, on the opposite party, his, her or their agent or attorney, or if not to be found, leave a copy thereof at his, her or their last place of abode ; giving at least ten days notice, in the city and county of Philadelphia, of the day and time when the arbitrators are to be chosen, and at least fifteen days notice of such time in the other counties of this commonwealth ; and the proof of service shall be the oath or affirmation of the person serving the same : *Provided always*, That no rule of reference shall be entered, unless such entry be made at least thirty days previous to the first day of the third term after such suit or action, has been brought : *And provided also*, That in such suit or actions, which may have been pending in any of the courts of this commonwealth, more than six months previous to this act going into operation, such suits or actions shall not, without the consent of both parties, be referred in term time, or during the sitting of any court, at which such suit or action may have been marked for trial : *And provided also*, That in all civil suits or actions pending or that may be brought in any court of this commonwealth, wherein the commonwealth may be a party, either plaintiff or defendant, it shall be the duty of the attorney-general or his deputy, and they are hereby empowered and required to appear on the part of the commonwealth, and to do all such matters and things, in such civil suits or actions, as may be necessary, and is required by this act in similar cases.

SECT. 11. *And be it further enacted by the authority aforesaid*, That where both parties attend, either by themselves, their agents or attornies, the arbitrators shall be chosen in the following manner : *to wit*, The parties having first agreed as to the number of arbitrators, or, in case of disagreement, the number shall be fixed by the prothonotary, which shall be either three, five, or seven, the plaintiff shall, in the first place, nominate one person, if the number fixed upon be three ; two, if the number be five ; and three, if the number be seven ; if all or either of them be objected to by the defendant, the plaintiff shall nominate other persons, in place of those objected to, until he nominates six persons for each and every person allowed to be by him nominated ; and the same privilege shall be given to the defendant, and the like right to object, be extended to the plaintiff ; and in case the parties agree in the choice of arbitrators, as above directed, the umpire shall be chosen in the following manner : *to wit*, The parties shall nominate alternately, beginning with the plaintiff, seven persons, with liberty to each or either of them in turn, to object to such nomination, and if all the persons thus nominated be objected to, the prothonotary shall name a suitable and disinterested person for the umpire ; if he be objected to by either of the parties, the prothonotary shall name another, and so on until he name seven persons ; if all are objected to, he shall make out a list of three suitable and disinterested persons, if the number of arbitrators be three ; five, if the number of arbitrators be five ; and seven, if the number of arbitrators be seven ; the parties shall then strike

Copy of the reference to be served by the party entering the same.

Ten days notice of the time of meeting to be given, &c.

Each rule must be entered, &c.

Provide as to suits subsisting in the courts six months previous to this act.

How the arbitrators shall be chosen.

How the umpire shall be chosen.

out alternately, beginning with the plaintiff, until the name of only one person be left, who shall be the umpire. 1810.

SECT. III. *And be it further enacted by the authority aforesaid,* That if only one of the parties, their agents or attornies, attend on the day appointed to choose arbitrators, it shall be the duty of the prothonotary to fix the number of arbitrators, and nominate for the absent party, and also object to the nomination made by the party present, if he thinks necessary: *Provided always,* That before the foregoing proceedings be had, if the party absent be the party who has not entered the rule of reference, proof shall be made, on oath or affirmation, that due notice was served on such party, agreeably to the provisions contained in the first section of this act.

If but one of the parties appear the prothonotary shall nominate for the party absent.

SECT. IV. *And be it further enacted by the authority aforesaid,* That when both parties attend, on the day appointed to choose arbitrators, either by themselves, their agents or attornies, and a greater number of persons should be objected to than is above stated, the prothonotary shall make out a list containing the names of five suitable, disinterested persons, for each and every one of the number of arbitrators so as aforesaid agreed upon, or fixed by the prothonotary; from which list the parties, their agents or attornies, shall strike out alternately, beginning with the plaintiff, until the number be left, so agreed on or fixed, and the persons thus selected, shall be the arbitrators to determine such suit or action: *Provided always,* That if a part of the arbitrators be agreed upon by the parties, the above proceedings shall only be had to supply the deficiency, and complete the number of arbitrators agreed upon or fixed, as aforesaid.

How arbitrators shall be chosen, in case the parties cannot agree.

Proviso.

SECT. V. *And be it further enacted by the authority aforesaid,* That where only one party attends, on the day appointed to choose arbitrators, and the prothonotary nominates and objects for the absent party, and it should so happen that a greater number of arbitrators are objected to than is above stated, then the duties enjoined on the prothonotary, in the preceding section of this act, shall be performed either by the recorder of deeds, the sheriff, treasurer or coroner of the proper county.

Proceedings where but one party attends, &c.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the arbitrators chosen or appointed as aforesaid, shall reside within the city or county where the action or suit shall be pending; but no arbitrator shall be obliged to serve on more than ten trials in any one year.


Arbitrators to reside within the city or county, &c.

SECT. VII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the prothonotary to fix a day and hour certain, on which the arbitrators shall meet, which shall be not less than ten nor more than twenty days in the city and county of Philadelphia, and not less than twenty nor more than thirty days in the other counties of this commonwealth, after their appointment and the place of meeting of such arbitrators shall also be fixed by the prothonotary: *Provided always,* That if the parties can agree, they may fix the time when, and the place where the arbitrators are to meet.

Prothonotary to fix the day of meeting.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the party, his or their agent or attor-

Party entering the rule to serve a

1810.  ney, entering the rule of reference, and he, she, or they, are here, by required, under the penalty of twenty dollars, to be recovered before a Justice of the Peace, or Alderman, for the use of the adverse party, as debts under five dollars thirty-three cents are recoverable; to procure under the hand of the prothonotary, one certified copy of the record, containing the names of the arbitrators, the time when, and the place where the arbitrators are to meet. And serve a copy of the same on each of the arbitrators, and also on the opposite party, if such party live or reside in the county; if not, on his, her, or their agent or attorney, where such party has not attended by himself, his agent or attorney, on the day on which the arbitrators were chosen or appointed, giving at least eight days notice in the city and county of Philadelphia, and fifteen days in the other counties of the commonwealth, previous to the day of meeting; and the proof of such service shall be the oath or affirmation of the person serving the same.

copy of the record, &c. on each of the arbitrators.

What shall be proof of service.

How vacancies, &c. are to be supplied.

SECT. IX. *And be it further enacted by the authority aforesaid,* That if any arbitrator or arbitrators shall refuse or neglect to attend, or be prevented by sickness or other unavoidable accident, a majority of the whole number of arbitrators and the parties being present, and where one of the parties be absent, unless prevented by sickness or other unavoidable cause, notice thereof being given to the arbitrators, the sufficiency of which shall be left to their discretion, it shall then be the duty of the arbitrators present or a majority of them (when the parties cannot agree on suitable persons to supply such vacancy) to appoint a competent number of persons in place of those who may be absent; and the arbitrators thus appointed, shall have the same authority as if appointed under the foregoing provisions of this act.

Arbitrators to be sworn or affirmed; and by whom.

SECT. X. *And be it further enacted by the authority aforesaid,* That the arbitrators thus appointed and met, shall be sworn or affirmed, either by an Alderman or a Justice of the Peace, or in the following manner, *to wit:* One of the arbitrators shall swear or affirm the rest, and either of them thus qualified, shall then swear or affirm such arbitrator; and they being all thus sworn or affirmed, justly and equitably to try all matters in variance, submitted to them, either of them shall have power to administer oaths or affirmations, to such persons called before them (as they or a majority of them shall believe to be proper, disinterested and competent witnesses) as well as to judge of the credibility of their testimony, and the propriety of admitting in evidence any written document that may be produced, and to call on either party to produce any books, papers or documents that they shall deem material to the cause, and likewise to decide the law and the fact, that may be involved in the cause to them submitted; and moreover, the said arbitrators or a majority of them that are present, shall have full power to adjourn their meetings from day to day, or for a longer time. And also from place to place if they think proper; and if both parties appear either by themselves, their attorneys or agents before the arbitrators on the first or any subsequent day of meeting, or if any one of the parties be absent, unless prevented by sickness or some unavoidable cause, the sufficiency of which shall be left to the discretion of the

And shall have power to administer oaths, &c.

And to call for books, &c.

And to adjourn from time to time, &c.

arbitrators ; then and in either case the arbitrators shall proceed to investigate, examine and decide the cause, suit or action to them submitted, and report their determination, and make out an award signed by all or a majority of them, and transmit the same to the prothonotary within seven days after they have agreed upon their report, who shall make an entry thereof on his docket, which, from the time of such entry shall have the effect of a judgment against the party against whom it is made, and be a lien on his real estate until such judgment be reversed on an appeal. 1810.

Shall make out an award, &c.

Which on being docketed, shall be a lien, &c.

SECT. XI. *And be it further enacted by the authority aforesaid,* That if either of the parties should be dissatisfied or think him, her or themselves aggrieved by the report of arbitrators made as aforesaid, he, she or they shall have an appeal to the court in which the cause was pending at the time the rule of reference was entered, under the following rules, regulations and restrictions, *to wit* : The party appellant, whether plaintiff or defendant, his, her or their agent or attorney shall swear or affirm, that it is not for the purpose of delay such appeal is entered, but because such party firmly believes injustice has been done, and the party, his, her or their agent or attorney, shall enter such appeal with the prothonotary of the proper county, with the bail and recognizance hereinafter required, within twenty days after the entry of the award of the arbitrators on his docket, and if such appeal, bail and recognizance should not be entered within the time above mentioned, then it shall be the duty of the prothonotary, at the request of the party in favour of whom the report of the arbitrators shall have been made, to issue execution or such other process as may be necessary to carry into complete effect and operation such judgment obtained as aforesaid : *Provided always,* That where judgment has been rendered for any sum or sums of money, the like stay of execution shall be had under the like regulations as is provided by the seventh section of an act, entitled "An act to regulate arbitrations and proceedings in courts of justice," passed the twenty-first of March, one thousand eight hundred and six : *Provided also,* That no appeal shall be allowed to either party, until the appellant pay all the costs that may have accrued on such suit or action : *And provided also,* That the appellant shall not be permitted to produce as evidence in court, any books, papers or documents which he or they shall have withheld from the arbitrators.

Appeal granted.

Under what conditions.

To be entered within twenty days, &c.

If bail, &c. be not entered execution may issue.

Appellant to pay costs.

And to produce no new evidence.

SECT. XII. *And be it further enacted by the authority aforesaid,* That if the plaintiff be the appellant, he shall, by himself, his agent or attorney, with one or more sufficient sureties, be bound in recognizance with the prothonotary, the condition of which shall be, that if the said plaintiff shall not recover in the event of the suit, a sum greater, or a judgment more favourable than the report of the arbitrators, he shall pay all costs that shall accrue in consequence of said appeal, and one dollar per day for each and every day lost by the defendant in attending on such appeal, which costs and daily pay shall be taxed and recovered as costs in other cases are recoverable.

If plaintiff appellant do not recover a greater sum on appeal, he shall pay all costs of the appeal, &c.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That the costs to be paid by the appellant, as required by the proviso of the eleventh section of this act, shall nevertheless, be taxed

Appellant when to recover costs.

1810. in the appellant's bill, and recovered of the adverse party in such cases only where in the event of the suit the appellant is entitled to recover costs, agreeably to the provision contained in this act.

Defendant
appellant
shall pay all
costs in case,
&c.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That if the defendant be the appellant, he shall, by himself, his agent or attorney, produce one or more sufficient sureties, who shall enter into a recognizance with the prothonotary, in the nature of special bail, the condition of which shall be, that if the plaintiff in the event of the suit, shall obtain a judgment for a sum equal to or greater, or a judgment as or more favourable than the report of the arbitrators, the said defendant shall pay all the costs that may accrue in consequence of said appeal, together with the sum or value of the property or thing awarded by the arbitrators, with one dollar per day for each and every day that shall be lost by the plaintiff in attending to such appeal, or in default thereof, shall surrender the defendant or defendants to the gaol of the proper county, in discharge of the said recognizance, which sum, costs, and daily pay shall be recovered as is provided by the foregoing section of this act: *Provided,* That where executors or administrators may be the party appellant as aforesaid, they shall have an appeal as is by law allowed in other cases.

Proviso/as to
executors.

Suits in the
common
pleas of Phi-
ladelphia
county, on
appeals, &c.
transferred
to the Su-
preme Court
of the eastern
district.

SECT. XV. *And be it further enacted by the authority aforesaid,* That all suits now depending in the Court of Common Pleas of Philadelphia county, on appeals from the awards of arbitrators, made in pursuance of the act of the twenty-ninth day of March, one thousand eight hundred and nine, while the said suits were depending in the Supreme Court in the eastern district, be, and the same are hereby transferred to the said Supreme Court, and considered to all intents and purposes, as if such appeals had been made to the said Supreme Court, and the like proceeding shall be had thereon in the said last mentioned court as if the appeal had been entered to the same.

Duty of the
prothonota-
ry of the
Court of
Common
Pleas of Phi-
ladelphia
county.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the prothonotary of the Court of Common Pleas of Philadelphia county, and he is hereby required immediately after the passing of this act, to transmit to the prothonotary of the Supreme Court of the eastern district, all the pleadings and other papers filed in said suits, together with a transcript of the record containing all the proceedings of the said Court of Common Pleas in the suits aforesaid, and the said prothonotary of the Supreme Court of the eastern district is hereby required to receive and enter the same on his docket.

And of the
prothonota-
ry of the
eastern dis-
trict.

By whom
witnesses
may be sub-
poenaed.
And attach-
ed.

SECT. XVII. *And be it further enacted by the authority aforesaid,* That the prothonotary of the proper county, an alderman, or a justice of the peace, or either of the arbitrators shall have power to issue subpœnas for witnesses, and if necessary, attachments to compel their attendance; and the form of the subpœna shall be as follows, *viz.*

Form of sub-
pœna.

County, ss.

The Commonwealth of Pennsylvania,

To

Greeting :

We command you and each of you that you be and appear in your proper persons before A. B. C. D. &c. arbitrators, appointed to

hear and decide all matters in variance between the parties in a certain action, wherein E. F. is plaintiff, and G. H. defendant, at the house of I. K. in the township of _____ on _____ the day of _____ next, then and there to give evidence on the part of the plaintiff (or defendant as the case may be;) hereof fail not under the penalty which may ensue.

Witness my hand the _____ day of _____ A. D.
(Signed) _____ L. M.

one of the arbitrators.

And the form of the attachment shall be as follows, viz.

Form of attachment.

County, ss.

The Commonwealth of Pennsylvania,

To the constable of the township of _____

We command you that you take _____ late of the county aforesaid, and have him forthwith before A. B. C. D. &c. arbitrators, appointed to hear and decide all matters in variance between the parties in a certain action, wherein E. F. is plaintiff, and G. H. Defendant, at the house of _____ in the township of _____ then and there to answer to such matters and things as shall be objected against him, and not depart without leave.

Witness my hand the _____ day of _____ A. D.
(Signed) _____ I. K. one of the arbitrators.

SECT. XVIII. *And be it further enacted by the authority aforesaid,* That in case a majority of arbitrators shall not attend on the day appointed for them to meet, the arbitrator or arbitrators attending shall (where the parties, they being both present, cannot agree) appoint a number of suitable persons in the place of those absent, and if but one of the parties be present, the arbitrator or arbitrators present shall appoint such persons to supply the vacancy without consulting the party attending.

Where a majority of the arbitrators do not attend, &c..

SECT. XIX. *And be it further enacted by the authority aforesaid,* That if either of the parties, their agents, or attornies, or any other person for them, shall, after the appointment of any arbitrators, attempt to corrupt or influence any arbitrator or arbitrators, by privately endeavouring, either in conversation, written evidence or correspondence, to bias the mind or judgment of such arbitrator or arbitrators in favour of such party, he, she or they, so offending, shall forfeit and pay the sum of twenty-five dollars, one half to the prosecutor and the other half to the use of the proper county, to be recovered on conviction before an alderman or justice of the peace in the proper county where the offence may have been committed; and it shall be the duty of the respective prothonotaries to read this section in open court on the Wednesday of each term for two years, and likewise to the parties, their agents or attornies, if they, or either of them, attend on the day on which the arbitrators are appointed.

Penalty on attempting to corrupt or influence the arbitrators.

How to be appropriated. And recovered.

Prothonotaries to read this section in open court, &c..

SECT. XX. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the prothonotary on application by both or either of the parties, their agents or attornies, to enter a rule to take the depositions of aged, infirm, going or absent witnesses, or those out of the state, in the same manner and subject to the same.

Rule may be entered, &c..

1810. rules and regulations now observed in the courts of this commonwealth.

Arbitrators
may punish
by fine, &c.

SECT. XXI. *And be it further enacted by the authority aforesaid,* That the arbitrators or a majority of them shall have power by fine not exceeding twenty dollars, to punish either of the parties, their agents or attornies, or other person or persons, for disorderly conduct in their presence, or for insulting, disturbing or interrupting the arbitrators when on business, which fine shall be recovered in the following manner; the arbitrators or a majority of them shall make out a certificate in the following form:—

How recovered.

Form of certificate.

“We the undernamed arbitrators do certify that A. B. did this day at _____ in the county of _____ before us conduct himself in an insolent and disorderly manner, or (as the case may be,) tending to insult, disturb and interrupt us in the trial of a certain cause wherein J. D. is plaintiff and U. W. is defendant, for which offence we have fined the said A. B. the sum of _____ dollars, which sum you are hereby required to collect according to law.

Witness our hands this _____ day of _____ in the year of our Lord _____

A. B. }
C. D. } Arbitrators.”
E. F. }

Certificate to
be transmitted
to a justice,
&c.

Which certificate shall be transmitted to an alderman, or a justice of the peace, who is hereby required to make a record thereof, and to collect the same in the manner that debts under five dollars thirty-three cents are by law collected, which sum when recovered and collected, shall be paid by such justice to the county-treasurer, for the use of the proper county where the offence may have been committed.

The prothonotaries to
report annually, &c.

SECT. XXII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the prothonotaries of the respective counties to transmit to the secretary of the commonwealth, in the month of December, annually, a correct statement of the number of cases referred under this act, classed under their proper title, the number of awards made by the arbitrators, and the number of appeals from such awards, and the reversal thereof classed as aforesaid, which statements the secretary shall lay before the legislature.

And the
number of
appeals.

Appeals from
awards made
under former
acts, not to
be affected
by, &c.

SECT. XXIII. *And be it further enacted by the authority aforesaid,* That in all cases where a reference has been had under the act of assembly, passed the twenty-ninth day of March, one thousand eight hundred and nine, entitled “A supplement to an act, entitled “An act to regulate arbitrations and proceedings in courts of justice;” and from the report of the referees either of the parties has entered an appeal and have entered bail for the prosecution of said appeal, but the recognizance may not have been taken in the terms prescribed by that act, the said neglect shall not be judged a hindrance or bar to the prosecution of said appeal, but the same shall be prosecuted in, and such bail shall be liable at the termination of the appeal according to the true intent and meaning of his recognizance.

SECT. XXIV. *And be it further enacted by the authority aforesaid,* 1810.
That the fees to be allowed to constables or other persons, to carry the provisions of this act into operation, shall be the same as the fees allowed by law to constables for similar services, and the like penalty inflicted for neglect of duty.

Fees allowed.

SECT. XXV. *And be it further enacted by the authority aforesaid,* One dollar per day to be paid to arbitrators.
That the arbitrators respectively, shall receive the sum of one dollar for each and every day necessarily spent by them in the investigation of any cause to them submitted under the provisions of this act; but they shall receive no daily pay or other compensation, unless they make their report and transmit the same to the prothonotary within seven days after they shall have agreed upon the same.

To receive no pay unless, &c.

SECT. XXVI. *And be it further enacted by the authority aforesaid,* Penalty on arbitrators refusing to serve.
That in case any one or more arbitrator or arbitrators chosen and notified as aforesaid, shall neglect or refuse to attend and take upon him or themselves the duties of their appointment, each of them so offending, shall for every such offence, forfeit and pay the sum of two dollars, to be recovered by either party before an alderman or a justice of the peace, in the same manner as debts of equal amount are by law recoverable; unless he or they, can satisfy such alderman or justice, that his or their absence was occasioned by sickness or some other unavoidable cause.

How recoverable.

Unless sickness, &c. be pleaded.

SECT. XXVII. *And be it further enacted by the authority aforesaid,* Prothonotaries to administer oaths, &c.
That the prothonotaries are hereby authorized and empowered to administer the oaths or affirmations required by this act, to prove the service of notices, and obtain appeals.

SECT. XXVIII. *And be it further enacted by the authority aforesaid,* Three prior acts made perpetual.
That the act to regulate arbitrations and proceedings in courts of justice, passed the twenty-first day of March, one thousand eight hundred and six,† and the act supplementary thereto, passed the thirteenth day of April, one thousand eight hundred and seven,‡ and a further supplement thereto, passed the *twenty-fourth* of March, one thousand eight hundred and eight,* shall be, and the same are hereby rendered perpetual, any thing in said acts to the contrary notwithstanding.

(† Vol. 4, pa. 326.)

(‡ Vol. 4, pa. 474.)

(* Vol. 4, pa. 531.)

SECT. XXIX. *And be it further enacted by the authority aforesaid,* Parts of former acts repealed.
That after this act shall come into operation, so much of any law or laws as is or are hereby altered or supplied, be and the same is hereby repealed. (c)

Passed 20th March, 1810.—Recorded in Law Book No. XII. page 140.

(c) See chap. 150, and the notes thereto, vol. 1, page 49, 50.

The statute, 9th and 10th, William 3d, (chap. 15,) is reported by the judges to extend to Pennsylvania. It has by long practice and with great benefit, been considered as part of our legal system, nor does it, in any respect, interfere with the act in the text, but may, as well as our own act of 1705, be

resorted to by suitors, in order to compromise their differences, when the act in the text could not avail them.

It becomes therefore of importance, to give a general view of the law of awards, for the information of the people.

This statute is entitled "An act for determining differences by arbitration"—and is in these words.

* There is no act of the date of the 24th March, 1808. The act referred to, is dated 28th March, 1808, vol. 4th, page 531.

1810.

["Whereas it hath been found by experience, that references made by rule of court have contributed much to the ease of the subject, in the determining of controversies, because the parties become thereby obliged to submit to the award of the arbitrators, under the penalty of imprisonment for their contempt in case they refuse submission," now for promoting trade, and rendering the awards of arbitrators the more effectual in all cases, for the final determination of controversies referred to them by merchants and traders, or others, concerning matters of account or trade, or other matters: *Be it enacted, &c.* That from and after the 11th day of May, 1698, it shall and may be lawful for all merchants and traders, and others, desiring to end any controversy, suit or quarrel, controversies, suits or quarrels, for which there is no other remedy but by personal action, or suit in equity, by arbitration, to agree that their submission of their suit to the award or umpirage of any person or persons should be made a rule of any of his majesty's courts of record, which the parties shall choose, and to insert such their agreement in their submission, or the condition of the bond or promise, whereby they oblige themselves respectively to submit to the award or umpirage of any person or persons, which agreement being so made and inserted in their submission or promise, or condition of their respective bonds, shall or may, upon producing an *affidavit* thereof made by the witnesses thereunto, or any one of them, in the court of which the same is agreed to be made a rule, and reading and filing the said *affidavit* in court, be entered of record in such court, and a rule shall thereupon be made by the said court, that the parties shall submit to, and finally be concluded by the arbitration or umpirage which shall be made concerning them by the arbitrators or umpire, pursuant to such submission; and in case of disobedience to such arbitration or umpirage, the party neglecting or refusing to perform and execute the same, or any part thereof, shall be subject to all the penalties of contemning a rule of court, when he is a suitor or defendant in such court, and the court on motion shall issue process accordingly, which process shall not be stopped or delayed in its execution, by any order, rule, command or process of any other court, either of law or equity, unless it shall be made to appear on oath, to such court, that the arbitrators or umpire misbehaved themselves, and that such award, arbitration or umpirage was procured by corruption, or

other undue means. 2. *And be it further enacted, &c.* That any arbitration or umpirage procured by corruption or undue means, shall be judged and esteemed void and of none effect, and accordingly be set aside by any court of law or equity, so as complaint of such corruption or undue practice be made in the court where the rule is made for submission to such arbitration or umpirage, before the last day of the next term after such arbitration or umpirage made and published to the parties; any thing in this act contained to the contrary notwithstanding.]

This statute was made to put submissions to arbitration in cases where no cause was depending, upon the same footing where there was one; and is only declaratory of what the law was in the latter case.

An award must be certain, final, and within the submission. If it be not certain, it is void, and the parties are not bound to perform it. But that certainty may be judged of according to a common intent, and consistent with fair and probable presumption.

Thus, in *Traquaire v. Redinger*, in the Supreme Court, March term, 1806. It was held, that a report of referees, finding that plaintiff shall pay the costs of suit, is equivalent to finding no cause of action. (MSS. Reports.)

See, also, the act to regulate arbitrations and proceedings in courts of justice, passed 21st March, 1806, (chap. 2686, vol. 4, pa. 326,) and the supplements thereto, *ib.* pa. 476, 331.

In *Williams v. Craig*, C. J. M'Kean, in delivering the opinion of the court, states, that our act of 1705, differs essentially from the statute of William 3d, in many respects, but particularly, that to render a report, or award, valid and effectual, the former requires, that it be *approved by the court*; but no such provision is made by the latter, and therefore, awards under rules of courts, are conclusive in *England*, unless some corruption, or other misbehaviour, in the arbitrators is proved. The courts of equity, indeed, have taken a wider ground, and wherever a plain error appears either in matter of fact or law, it seems they will make it an object of inquiry. 2 Vern. 705. 1 Vern. 137. 3 Ark. 494.

In *Pennsylvania*, however, since the revolution, as the approbation of the court is made a necessary ingredient in the confirmation of reports, we have thought it our duty, from time to time, to enquire into the allegations against them, before we gave them our sanction. But in doing this, we have always confined ourselves to two points;

1st. Whether there is an evident mistake in matter of *fact*; or, 2dly, whether the referees have clearly erred in matter of law. If either of these is satisfactorily proved, the argument is, surely, as strong for setting a report aside, as where injustice has been done by the corruption, or other misconduct of the referees. 1 *Dallas*, 314.

Cases with respect to the appointment of referees, notifying and hearing the parties.

In *Rivers v. Walker*, it was ruled, that notice of the time and place of the meeting of referees, must be served on the party himself, and not on his attorney; unless it be otherwise specified in the rule of reference; and for a contrary practice, the report in this case was set aside. 1 *Dallas*, 81.

And, in *Shippen's lessee, v. Bush*, on motion for the appointment of referees, in the absense of the opposite counsel, though, as was said, by agreement.

By the Court. It is an invariable rule, not to appoint referees, but in the presence of both parties. So many disputes have arisen about what was the meaning of the attorneys, that we have determined not to pay any regard to agreements, which are not reduced to writing. 1 *Dallas*, 251.

In *Hollingsworth v. Leiper*, in the Common Pleas, on a motion to set aside a report of referees, on the ground of their having heard a witness interested in the event of the suit. *Shippen*, President, pronounced the decision of the court, as follows.

The determination of causes by referees, under a rule of court, has become so frequent and useful a practice, and is attended with so many advantages towards the summary administration of justice, that it would be extremely mischievous to shake their reports by captious objections, where the substantial rules of justice are not violated. The merits of the cause are solely submitted to them, as judges of the parties own choosing, and are not afterwards inquired into by the court, unless there should appear a plain mistake of the law or fact.

As to the forms of their proceeding, both parties should have an opportunity of being heard, and that in the presence of each other, that they may be enabled to apply their testimony to the allegations. The witnesses on both sides, are likewise to give their evidence in the presence of the parties, that they may have an opportunity of cross-examining them. No surprise is permitted, such as refusing the parties a reasonable time to bring forward their witnesses, or refusing to hear them

when they are brought. These rules, or similar ones, are founded in natural justice, and are absolutely necessary for the due administration of justice in every form whatever.

As to the kind of evidence which the referees may hear, there always has been, and must necessarily be, in this kind of tribunal, a very great latitude. The parties, generally unassisted by counsel, are permitted to relate their own stories, and confront each other; their witnesses are heard, even without an oath, unless the contrary is stipulated, or the referees require it.—Books and papers are inspected and examined by them, without regard to their being such as would be strictly evidence in a court of law. And this practice being known to both parties before they agree to the reference, and the advantages arising from it being mutual, there seems no just reason to complain of it.

In public trials in courts of law, the judges sit to superintend the evidence, and no interested witnesses are, in general, permitted to give evidence to the jury; but referees occupy the office both of judge and jurymen; their discretion, therefore, must necessarily be much relied on, and as they are generally unacquainted with the artificial rules of law they must be guided principally by their own reason. If we were once to set aside a report, because the referees had heard an interested witness, we should open a door for such a variety of objections, that scarcely a single report would stand the test. Papers not formally or legally proved, or hearsay evidence admitted, would be as fatal to reports as the admission of interested witnesses, being equal violations of the rules of evidence. Rule discharged. 1 *Dallas*, 161.

In *Falconer v. Montgomery*, the matter in controversy was referred to two referees, with power to choose an umpire if they disagreed. The referees met, and both sides were fully heard; the evidence being all in writing, and no part of it rejected.—The referees divided in opinion, and appointed an umpire, to whom they stated (in the absence of the parties) the facts as they had previously appeared to them. The umpire then examined the accounts produced to him (the parties being still absent) and with one of the referees signed a report for the plaintiff; but the other referee, persevering in his opposite opinion, declined joining in the report.

The main exception relied upon against the report was, "that the umpire had not himself heard, from the

1810. parties themselves, their respective allegations and arguments, on the merits of the controversy."

By the Court. The plainest dictates of natural justice, must prescribe to every tribunal, the law, that "no man shall be condemned unheard." It is not merely an abstract rule, or positive right; but it is the result of long experience, and of a wise attention to the feelings and dispositions of human nature. An artless narrative of facts, a natural and ardent course of reasoning, by the party himself, will sometimes have a wonderful effect upon a sound and generous mind; an effect, which the cold and minute details of a reporter can neither produce nor supplant. Besides, there is scarcely a piece of written evidence, or a sentence of oral testimony, that is not susceptible of some explanation, or exposed to some contradiction: there is scarcely an argument that may not be elucidated, so as to ensure success; or controverted, so as to prevent it. To exclude the party, therefore, from the opportunity of interposing, in any of these modes (which the most candid and the most intelligent, but a disinterested person, may easily overlook) is not only a privation of his right, but an act of injustice to the umpire; whose mind might be materially influenced by such an interposition.

Under these impressions, and upon the single ground, to which they relate, we are unanimously of opinion, that the report of the referees must be set aside. 4 *Dallas*, 232.

So, in the case of *Passmore v. Pettit and Bayard*, on exceptions to the report of referees, who had exercised the right of appointing an umpire, under the rule of reference. The Court delivered their judgment as follows:

1st. When an umpire is chosen by referees, he stands in the same situation, precisely, as the referees themselves, both with respect to powers to be exercised, and duties to be performed. He may examine, and he ought to examine, the witnesses and the documents for himself, in the presence of the parties, without relying solely upon the information or facts reported by the referees. This rule was settled in the case of *Falconer v. Montgomery*; and it is highly important to the administration of justice, that it should be observed. It has not been observed on the present occasion; and, therefore, the report cannot be confirmed.

2d. Again: it is essential to the fair and satisfactory investigation of facts, that an opportunity should be afforded to obtain and produce the necessary

evidence, however distant the scene of the transaction may be. A court of justice will always allow time for the execution and return of a commission, when witnesses reside abroad. In the present case, the question turned upon the sea-worthiness of a ship; and time was asked by the defendants to produce testimony from *Halifax*, where she had undergone a survey and repairs. This was refused, without any reason to suppose, that the object in asking it was mere delay and vexation. The refusal has deprived the party of the means of defence before the referees; and we cannot think it just, to place him out of the reach of all remedy, by confirming the report.

3d. On the subject of the reference, all the testimony should be heard, all the documents should be seen, by both the parties, in the presence of the referees. But it appears that a paper, or *ex parte* affidavit, was produced before the referees and umpire, respecting the sea-worthiness of the ship (the very gist of the controversy) which the defendants never had an opportunity of reading or examining. The referees and umpire are, undoubtedly, honest men: but they have erred in judgment, and their errors cannot be sanctioned, by an affirmance of the report, which their errors alone may have produced. Report set aside. 4 *Dallas*, 271.

But, in the case of *Latimer and Yard v. Ridge*, on a motion to set aside an award, because the referees had refused to allow the defendant time to produce his evidence. The Court held, that the exception was not supported, because the defendant did not inform the referees what evidence he wanted, the reason why he was not able then to produce it, and that he expected to be able to produce it in a reasonable time. A court of justice would not have granted a continuance, unless all these circumstances had been satisfactorily shewn. The court must decide on general principles. It is to be distinctly understood that a naked allegation, that a party desires further time to produce testimony, is not sufficient. It would tend to infinite delay. The award was confirmed. 1 *Binney*, 458.

In *Tetter v. Rapenwyder*, the parties, having consented to a reference, filed a written agreement appointing three persons, without saying, or any two of them, to report; but the clerk, in making out the rule, had so expressed it. The three referees met, though only two of them signed the report. The report was set aside for this mistake of the clerk. 1 *Dallas*, 293.

Again, in *Elliot v. Elliot*, there was

an agreement filed to refer the matter in dispute to one *Lewis*; but in the official rule, by mistake of the clerk, the name inserted was *Lewis*. After report made, it was moved to amend the rule by the agreement filed, and leave was accordingly given. 1 *Dallas*, 379.

With respect to the time of moving to set aside reports or awards, and striking off rules of reference, the following cases have occurred.

Shewell v. Wycoff. At the distance of a month, after judgment *nisi* had been entered, the defendant filed reasons in exception to the report.

By the Court. We must not sport with things of so solemn a nature as the report of referees, and verdicts of a jury. The exceptions are much too late. The rule is, that unless they are filed within four days, the judgment *nisi* becomes absolute. 1 *Dallas*, 312.

No exception which does not appear wholly on the face of the report, can be taken after the four days have expired. *Shoemaker v. Smith*. 2 *Binney*, 239.

The discovery of material evidence after a report made, which by using due diligence the party might have discovered before, is no ground for setting aside a report. 2 *Binney*, 582. (note.)

In the case of *Abbot v. Pinchin*, there was a rule of reference, the report to be made to *next term*. After the next term, however, the referees, who had never met on the business, were changed by consent, and the report made returnable *into office*: Whereupon it was said, by *Shippen*, President, that the rule for reporting to the *next term*, was expired by its own limitation, and the case, in that respect, open to any new agreement of the parties. 1 *Dallas*, 349.

In *Oxley v. Olden*, the cause had been referred, and the referees having examined the evidence, in presence of both parties, agreed upon their report; but about an hour before it was delivered into Court (though it was signed the preceding day) a rule had been obtained, on behalf of the defendant, to shew cause, why the rule of reference should not be struck off.

There was no charge of irregularity, or partiality against the referees.

After argument, *M'Kean*, C. J. observed, that the motion was much too late to annul the reference, when the referees had investigated the whole transaction, had agreed upon their report, and were clear from any imputation of misconduct, or any precipitancy in refusing to hear the testimony offered by either party. 1 *Dallas*, 430.

So, in *Pollock v. Hall*, which was referred, by agreement of the parties; and several meetings were held by the

referees, at which the parties exhibited their respective proofs, and were heard by themselves, or their agents. The plaintiff conceiving, however, that he had more evidence, which might be produced at a future period, or conjecturing that the referees were unfavourable to his claims, ordered the action to be discontinued, and gave notice of the discontinuance to the defendant. But the referees proceeded to decide upon the matters referred, and filed a report for the defendant. To this report exceptions were exhibited, alleging, among other objections to a confirmation, that the action was discontinued. It became, therefore, a leading question, whether, under the circumstances stated, the plaintiff had a right to discontinue.

After argument, the court thought they were at liberty to deny the right for which the plaintiff contended; that the policy of the legislature as well as the principles of justice, sanctioned the denial. The act of assembly sought to compose strifes, to shorten litigation, by assigning an amicable tribunal, to which the parties might voluntarily resort; and when both have agreed to resort to that tribunal, it would be inconsistent with the general nature of an agreement, to permit one of them alone to withdraw from its jurisdiction. Feuds would be inflamed instead of being allayed; and suits multiplied instead of being diminished, by such a construction of the law. There may be cases, however, in which a plaintiff alleging a surprise, or mistake, would be allowed by the court to discontinue his suit; but after an agreement to refer, a disclosure and hearing before the referees, and an opinion expressed or intimated, by them upon the merits, a discontinuance cannot be regarded as a matter of right, and would only be permitted upon very cogent reasons, such, perhaps, as would invalidate the report itself. In the present case, we are of opinion, that the plaintiff had not a right to discontinue the suit, and that no sufficient reason appears, for allowing a discontinuance upon the authority of the court. 4 *Dallas*, 222. And see *Ruston v. Dunwoody*. 1 *Binney*, 42.

On a report of referees, filed in the prothonotary's office, execution cannot be issued within the four days, or before notice given to the adverse party. *Barre v. Affleck*, Supreme Court, March, 1798. (MSs. Reports.)

What shall be a good award, and when reports will set aside or confirmed.

Hagner v. Musgrove, on a reference to three persons, nominated by the court.

1810. The parties began a warm altercation, which proving troublesome to the referees, they ordered the disputants to withdraw, and called the witnesses, one after another, examining them separately out of the hearing of both plaintiff and defendant, and finally reported in favour of the former. Those facts being established, the report was set aside on motion of defendant's counsel. 1 *Dallas*, 83.

In *Young v. Reuben*, under a rule of court, the referees reported, "that the sum of £. 75 was due, the third of March last, with interest on the same." The time mentioned was several months before the meeting of the referees; and, on motion, the court set aside the report for the uncertainty; as there might have been a sum due on the third of March, and nothing due at the time of making the report. 1 *Dallas*, 119.

McKean, C. J. As arbitrators are judges of the parties own choosing, for the furtherance of justice, and queting of controversies; the courts have of late construed their awards with great latitude, and according to their intention, appearing from the words of the whole. 1 *Burr.* 277. Two of the essentials of awards are, that they should be certain and final. It is law, that an award is to be interpreted by its own words, and not by any matter out of it; but when the words of an award have relation to things certain, out of the award, these things may be averred. 1 *Roll's Abr.* 264. *S. C. Stile*, 365. Therefore, an award, to pay a sum of money "to the executors of J. G." was held good. Who the executors are, may be easily ascertained; as easily as the costs of an action, or the charges of a voyage, which have been adjudged to be good awards, because they can be reduced to a certainty. 3 *Gro.* 383. 1 *Roll's Abr.* 251.—So that this award appears to be certain enough. Besides, if the executors are considered as *strangers*, yet, by the better authorities, an award to pay money to them shall be intended for the benefit of the plaintiffs, and that they being the submittants, were either the executors, or authorized by them, unless the contrary appear. 1 *Salk.* 74. 3 *Leon.* 62. And as the executors of J. G. deceased are persons certain, we think that it may be averred who they are by name, as has been done in the present case, were such averment necessary; for it is only explaining more particularly what was contained in the award itself. *Grier v. Grier*. 1 *Dallas*, 173.

So, a report of referees, awarding the return of certain tools in the same order in which the party had received them, is good. *McCulloch & al. v. Guetner*

& al. Supreme Court, September, 1807. (MSS. Reports.)

In *Chaplin v. Kirwan*, the referees had allowed *ex parte* evidence to be given of the current price of coach makers' work, at the time when the cause of action accrued.

By the Court. If referees make enquiry abroad, to ascertain for their own satisfaction, the price of work, or the truth of any other matter, which may be said, comparatively, to be of a public nature, this, so far from being irregular, would be highly commendable. But is a very different case, when they proceed separately to examine a witness, who has been produced by one of the parties, although the evidence relates only to those general points. The adverse party should have an opportunity of cross-examining the witness. Report set aside. 1 *Dallas*, 187.

But, in *Innes, v. Miller*, where the referees, having settled their minds with regard to their report, sent for the plaintiff, and asked him, whether he would agree that a quarter's rent, which accrued after the action brought, should be taken into the settlement, and the defendant credited for it, which would have made the balance in favour of the latter, which the plaintiff refused to comply with, and withdrew, without being asked another question, or saying any thing more on the subject.

By the Court. Referees ought to proceed, not only so as to do justice, but to avoid the appearance of injustice; lest a precedent should be established, which might afterwards be perverted to a bad use. Misbehaviour, is therefore, a reason for the court to interpose and set aside the report, no less than partiality and corruption. Referees, however, are allowed greater latitude in their proceedings, than juries. They are not equally bound to time and place, nor to the same strictness of method in receiving testimony. A reference would be of little service, if a report were liable to be set aside, for an irregularity so small as that mentioned by the counsel, in the case of *Baron's lessee v. The proprietaries*, for the South-street lots, that of merely handing in a paper to the jury by mistake, which was only a copy of an original produced at the trial. Suppose, in the present instance, the referees had adjourned, and in the intermediate time, meeting plaintiff in the street, should make the proposal mentioned to him,—surely this would not set aside the report. It is true the manner in which it was done, gave room for some suspicion, and the defendant had a right to presume, that all was not fairly conducted. But the

fact is satisfactorily explained by the referees, and we do not think it such a misbehaviour as will invalidate the report. Judgment for plaintiff. 1 *Dallas*, 188.

In *Kunckle v. Kunckle*, on an objection to a report of referees, as awarding money to be paid by the defendant on one side, and the making conveyances of land and a lot of ground, and taking up a bond and mortgage in the loan-office, on the other, that the court could not do complete justice on both sides, as an execution might issue for the money against the defendant, and the plaintiff could not be compelled to perform his part; at least, that the remedies are not the same on both sides, namely, by execution. The court said, that the determination of causes by referees under a rule of court, has been found a practice of such general convenience and utility for the speedy and equitable decision of controversies depending in courts of law, that the judges have always encouraged and supported it; more especially, as in this mode of trial, the referees are not tied down by the strict rules of law, but may decide as the equity of the case may appear, and in some sort supply our want of a court of chancery. As the referees are judges of the parties own chusing, we never enter into the merits of the causes they decide, nor, in general, set aside their reports, but for misbehaviour, or where objections arise on the face of the proceedings.

Where a report of referees awards money to be paid on one side, and certain other things to be done on the other, if the court cannot enforce both, they will certainly enforce neither. In the present case, the question will be, whether they can oblige the plaintiff, to perform his part of the award? They certainly cannot do it by execution; but if they can do it by attachment, the remedies are mutual though not by the same kind of process. That an attachment will lie for a contempt in not performing an award of referees, appears clearly to have been agreeable to the common law, prior to the stat. 9 and 10 Wm. 3d. which is declared by the judges, and appears from a perusal of the act itself, to have been made only to put agreements to refer cases never instituted in court, upon the same footing with causes already in court, and to be declaratory of what the law was before in the latter cases.

In all cases of this kind, the court will exercise their equitable powers, in such manner as not to suffer either party to elude the performance of their

part of the award. If, for instance, execution should be taken out by the plaintiff against the defendant, and any well grounded suspicions should appear, that the plaintiff was contriving by flight, or otherwise, to avoid complying with his part, the court would order the money levied to be lodged in court till the plaintiff should comply, or might impose such other terms upon him, as should appear necessary to oblige a compliance. The report was confirmed. 1 *Dallas*, 364.

In *Austin v. Snow's lessee*, in error, an action of ejectment had been referred; the referees found for the plaintiff with costs, but without damages.

It was contended that this was bad, damages being essential to the award of costs—and that as judgment was entire, it could not be reversed as to the costs, and confirmed as to the residue.

On the other side it was said that costs might be given, where damages were recoverable, and although they are not given; and that judgment might be affirmed for part, and reversed for part. Besides, this was a reference where niceties are dispensed with. It is assigning that for error, which is for the plaintiff's advantage.

By the Court. We are here upon a point of practice. The usage of referring ejectments, as well as accounts, is very ancient; and it has been the constant usage to confirm awards, although no damages or costs are found. It would shake many judgments, were niceties to prevail. Judgment affirmed. 2 *Dallas*, 157.

And in *Calhoun's lessee, v. Dunning*, the court said,—To be sure, an award cannot give a right to land; but a report of referees will settle a dispute about land, either in an ejectment or in action of trespass. In *Fox's lessee, v. Franklin*, a similar report (in trespass) has been made and affirmed. Indeed such a report is more operative than a verdict; for a verdict in ejectment is not conclusive; but when parties chuse to adjust their disputes amicably, they generally agree, that the award shall be final, and under such an agreement neither of them can hope again, successfully, to agitate the same points. 4 *Dallas*, 122.

In *Lerezy v. Gorgas*, which was an action for obstructing a water-course and injuring the plaintiff's mill, &c. a report of referees was made, and returned to the court, and confirmed in the Supreme Court, and a writ of error was brought thereon. The referees after fixing the height at which the dam should be kept up, proceeded to award, "That if the de-

1810. fendant, &c. should exceed this privilege it shall be lawful for the plaintiff, &c. to give a written notice to the defendant, &c. to reduce the dam, &c. and upon neglect for thirty days after such notice, the plaintiff may summon three freeholders, to view, &c.

By the Court. The agreement of the parties, constituted the referees, the exclusive judges of the subject submitted to their decision. It gave them, however, no power to delegate their trust and authority to others; not to erect a new and arbitrary tribunal, to determine future controversies. If the first set of referees could proceed in this way, the set empowered by them, might exercise a similar authority; and so, *ad infinitum*, compel the parties, without their consent, or controul, to resort to a tribunal unknown to our laws. We are therefore unanimously of opinion, that the referees exceeded their authority; and as their report, or award, was confirmed generally, by the Supreme Court, the judgment of that court, must, also, be generally, reversed. (High Court of Errors and Appeals.) 4 Dallas, 71.

A report of referees may, without consent of parties, be sent back to the same referees, for the purpose of correcting informality. 1 Binney, 43.

An exception to a report of referees must point out some plain mistake in fact or in law, otherwise the court will not investigate the merits of the report. 1 Binney, 59.

The court cannot strike out part of an award, but they can confirm a part, and set aside the residue. 1 Binney, 109.

Referees under the act of 1705 cannot award costs of suit in the Common Pleas, upon a sum, which by the laws

giving jurisdiction to justices of the peace, will not carry costs, unless there is an agreement in the rule that they shall have power over the costs, or the plaintiff had made an *affidavit* before the suit, that he believed the debt was beyond the sum within a magistrate's jurisdiction. 2 Binney, 587.

Under the act of 21st March, 1806, it has been decided, That a judgment against three defendants, upon a submission to arbitration by one of them, is erroneous, and must be reversed as to all. Judgment had been given against two persons, who never consented to submit their case to arbitration. As to those two persons, the whole proceeding was void from the beginning. They had severally pleaded not guilty, and the court had no authority to give judgment against them, until they had been found guilty by a jury, *Studebaker* (in error) v. *Moore*. 3 Binney, 124.

On the subject of the act in the text it has been decided, that immediately after special bail is entered, in compliance with a notice, either party is entitled to enter a rule of arbitration, under the first section of the act, though before the return day of the term of which the suit is docketed. And in all cases, a suit is entered within the meaning of the arbitration law, from the moment it is placed on the docket of the prothonotary. *Hertzog v. Ellis*, 3 Binney, 209.

An award of arbitrators in the Common Pleas, is to be considered as a judgment of that court from the time of its entry upon the docket, and as such, subject to a writ of error. But no writ of error can be sued out upon the award, until after the expiration of the time allowed for the appeal. *Ebersol v. Krug*, 3 Binney, 528.

CHAPTER MMMCCXXII.

An ACT to enable the governor to incorporate a company to make an artificial road from the east end of Perkiomen bridge in the county of Montgomery, passing through Pottsgrove, and passing by the White-horse tavern, in Amity township, in Berks county, to the borough of Reading.

SECT. 1. [COMMISSIONERS named. Who shall procure three books. Entry therein. Notice of the time and places for opening the books. When two thousand shares are subscribed, the books shall be closed. Five dollars to be paid on each share at subscribing. Appropriation of—2. When one thousand shares are subscribed, the commissioners shall certify the same to the governor, who shall thereupon erect the subscribers into a body politic, by

the style and title of "The President, Managers and Company of the Perkiomen and Reading Turnpike Road," with the usual corporate powers. 3. Notice to be given of the organization of the corporation. Officers to be chosen, and their powers prescribed. And restrictions imposed on them, the same as Centre turnpike. Road not to be less than eighteen feet wide. Proviso as to the powers of justices, &c. 4. Tolls may be farmed, &c. No gate to be erected within one mile of Perkiomen and Manatawny bridges. If one thousand shares be not subscribed in four years, the corporation to be dissolved.]

Passed 20th March, 1810.—Recorded in Law Book No. XII. page 151. (*d*)

(*d*) See a supplement to this act, and fifty shares of the stock for the passed 13th February, 1811. And the state.—*Post*. governor to subscribe for one hundred

CHAPTER MMMCCXXIII.

A further supplement to the act, entitled "An act to prevent the exportation of bad and unmerchantable staves, heading, boards and timber." [Vol. 1, pa. 322.]

SECT. I. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the inspector of staves and heading shall be entitled to receive from the exporter of the same, for every customary thousand thereof, twenty-five cents.

25 cents per 1000 to be allowed to the inspector of staves and heading.

Passed 20th March, 1810.—Recorded in Law Book No. XII. page 153.

CHAPTER MMMCCXXV.

An ACT to extend the act, entitled "An act concerning Strays." [Vol. 4, pa. 472.]

SECT. I. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the act entitled "An act concerning strays," passed on the thirteenth day of April, one thousand eight hundred and seven, and all the provisions and regulations therein contained, shall be, and the same are hereby extended to the counties of Montgomery and York, as fully and effectually, as if the said act and every part thereof were herein recited.

The act concerning strays, extended to Montgomery and York counties.

Passed 20th March, 1810.—Recorded in Law Book No. XII. page 155.

CHAPTER MMMCCXXVI.

An ACT supplementary to an act, entitled "An act for regulating and maintaining fences." (Vol. 1, pa. 13.)

SECT. I. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assem-

1810. *bly met, and it is hereby enacted by the authority of the same, That*
 { from and after the passing of this act, any three of the fence-view-
 Three fence-
 viewers to
 be a quorum.
 Powers of. different courts of Common Pleas, in the several counties of this
 commonwealth, shall be a quorum for doing business; and any
 view or order which they may make in pursuance of, or in discharge
 of the duties enjoined on them in the act to which this is a supple-
 ment, shall be as firm and valid in law, as if the whole number ap-
 pointed in any of the counties aforesaid, had viewed or adjudged
 the same according to the true intent and meaning of said act.

One dollar
 per day al-
 lowed to—
 How paid. SECT. II. *And be it further enacted by the authority aforesaid,*
 That the fence-viewers aforesaid, or such of them as shall proceed
 to view, shall each of them receive a compensation for their ser-
 vices, of one dollar per day, for every day which they shall be en-
 gaged in any view under this act, which cost or expense shall be
 borne by both or either parties, as the said viewers shall direct, ac-
 cording to the provisions of the act to which this is a supplement.

Passed 20th March, 1810.—Recorded in Law Book No. XII. page 155.

CHAPTER MMMCCXXVII.

An ACT to change the name of Charles Swift, junior, to Charles Riche.

SECT. 1. [THE name of Charles Swift, junior, changed to Charles Riche.]

Passed 20th March, 1810 —Recorded in Law Book No. XII. page 156.

CHAPTER MMMCCXXVIII.

An ACT authorizing the governor to incorporate a company for erecting a bridge over the Monongahela river, at or near where the road leading from Brownsville, to the town of Washington crosses the same.

SECT. 1. [COMMISSIONERS named. Who shall procure a book or books, for subscriptions. Notice to be given of the times and places of opening the books. One or more of the commissioners to attend. If six hundred shares be not subscribed in three days, the commissioners may adjourn. When six hundred shares are subscribed, notice thereof shall be given. Five dollars to be paid on each share at subscribing. 2. When six hundred shares are subscribed, the governor shall erect the subscribers into a body politic, by the style and title of "The President, Managers and Company, for erecting a Bridge over the river Monongahela, at or near where the road leading from Brownsville to the town of Washington, crosses the same," with the usual corporate powers. 3. Notice of the time for organizing the corporation, to be given. Officers to be chosen, and their powers prescribed. No person to

have more than five votes. 4. Annual meetings to be held on the first Monday in May. 5. Certificates of stock to be issued. Ten dollars on each share to be paid thereon. Certificates to be assignable. 6. Five members to be a quorum. A chairman may be chosen, &c. Powers of a quorum, prescribed. 7. Penalty on neglecting to pay instalments. 8. Managers, &c. may enter upon lands and take materials. Notice to be given to the owners. And compensation to be made. How damages shall be ascertained. No site to be built upon, without consent of the owner. And the manner in which the bridge shall be erected, prescribed. 9. Account of receipts and expenditures to be kept, &c. The number of shares may be extended, if required for building the bridge. 10. Property of the bridge to be vested in the company, and rates of tolls fixed. *Provided*, That any detachment of the military of this state, and persons attending funerals, shall at all times be exempt from toll. 11. Penalty for collecting illegal tolls, &c. And how recovered and appropriated. Suits to be brought within thirty days. Appeal allowed to the Common Pleas, or certiorari to reverse illegal proceedings. 12. Account of tolls received, to be kept. Dividends to be declared and paid, &c. 13. Penalty for injuring the property of the company, and how recoverable. But suit to be brought within thirty days. 14. The company to make triennial statements to the legislature. And if the dividends do not amount to six per cent. tolls may be increased, &c. Accounts to be rendered to the legislature. 15. Term within the bridge must be begun and completed.] 1810.

Passed 20th March, 1810.—Recorded in Law Book No. XII. page 156.

CHAPTER MMMCCXXIX.

An ACT to authorize the governor of this commonwealth to incorporate a Company for making a Toll Bridge over Big Beaver Creek, opposite the town of Brighton.

SECT. 1. [COMMISSIONERS named. Three books to be procured by the first of July next, for subscriptions to be entered in. Notice to be given of the time and places of opening the books. One of the commissioners to attend, and terms of subscription prescribed. If two hundred shares be not subscribed in three days, the commissioners may adjourn. Notice thereof to be given. If the books be not filled in two months, they may be transferred. Notice to be given thereof. Five dollars on each share to be paid on subscribing, and how appropriated. 2. When the subscriptions shall be certified to the governor. Who shall thereupon erect the subscribers into a body politic, by the name and style of "The President, Managers and Company for erecting a bridge over Big Beaver Creek, opposite the town of Brighton," with the usual corporate powers and privileges. 3. Notice to be given when the corporation shall be organized. What officers to be chosen. Of by-laws, &c. No person to have more than three votes, &c. 4. Annual meetings to be held on the last Monday in April. 5. Evidences of

1810. stock to be issued. Payment thereon. Certificates to be transferable. Assignments of, to be entered in the company's books. 6. Five members to be a quorum. Minutes to be kept, and powers of a quorum prescribed. 7. Penalty on neglecting to pay instalments. 8. Managers, &c. may enter upon lands, and take materials. Amends to be made, and how damages shall be ascertained. Tender of appraised value, to give a certain authority. 9. Accounts to be kept of monies received. And expended. To be annually submitted to a meeting of the stockholders. And when the number of shares may be increased. 10. The property of the bridge to be vested in the company. Rates of toll prescribed: *Provided*, That the said bridge shall in no wise injure, stop or interrupt the navigation of the said creek, or prevent boats from crossing, or persons from fording the said creek. 12. Penalty for exacting illegal toll. And of neglecting to keep the bridge in repair. Suits to be brought within thirty days. 13. Accounts of the receipt of tolls to be kept. Dividends to be declared and paid. 14. All funeral processions and militia men, going to or from training, shall be privileged to pass over the said bridge without the payment of toll. 15. Bridge to be began in three years, and finished in six, or privilege may be resumed.]

Passed 20th March, 1810.—Recorded in Law Book No. XII. page 163.

CHAPTER MMMCCXXXI.

[Ante. pa.
24.]

An ACT supplementary to an act, entitled “An act allowing the Philadelphia Bank to establish branches.”

Philadelphia
bank to pay
the bills is-
sued by its
branches.

Penalty for
refusing.

President
and directors
to forfeit 500
dollars for
evading the
provisions of
the original
act.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That if the Philadelphia Bank shall at any time refuse to pay any bill or bills, note or notes, signed by the president, and countersigned by the cashier, or other person, with or without seal, payable to bearer, and issued under the direction of the said corporation at any of its branches, the act entitled “An act allowing the Philadelphia Bank to establish branches,” shall, on conviction thereof, before the mayor, or any alderman of the city, be immediately null and void, and all operations in the branches of the said bank, shall at the expiration of four months next after such conviction, cease and determine.*

SECT. II. *And be it further enacted by the authority aforesaid, That in case the president and directors of the said bank, shall violate or in any way evade the provisions aforesaid, or any provisions of the act to which this is a supplement, they shall severally on conviction thereof, before any court having competent jurisdiction, forfeit and pay the sum of five hundred dollars for every such offence, one half to be paid to the prosecutor, and the other half to the use of the commonwealth.*

Passed 20th March, 1810.—Recorded in Law Book No. XII. page 169.

CHAPTER MMMCCXXXII.

1810.

[Vol. 4, p. 362.]

A SUPPLEMENT to an act, entitled "*An act for offering compensation to the Pennsylvania claimants of certain lands within the seventeen townships in the county of Luzerne, and for other purposes therein mentioned.*"

WHEREAS controversies have arisen, and may hereafter arise, between parties claiming the amount of valuation monies, for lands released to the commonwealth, under the act to which this is a supplement, or to part of such valuations either as joint tenants, tenants in common, partners, or otherwise, either under original or derivative titles, contracts, or agreements; and it is doubtful whether the powers of the board of property are competent to decide such controversies, and the appeal given in the third section of the said act is not sufficiently defined, nor any court pointed out to which such appeal shall be made: Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* where any controversy has arisen, or may hereafter arise before the board of property, between any parties claiming the amount of any valuation of lands released to this commonwealth, under the act to which this is a supplement, or any part thereof, either adversely, or as joint tenants, tenants in common, partners, or otherwise, or by any original or derivative title, or under any contract or agreement in law or equity, or if any controversy has arisen, or shall arise, between any parties respecting the appropriation, distribution or payment over of any such valuation monies, it shall be the duty of the board of property, on the demand of any such party, claiming either the whole, or part of such valuation money, or any certain or uncertain interest therein, to direct an issue to the Court of Common Pleas, of the county where the seat of government is, or may be established for the time being, in order to have the rights of such contending parties fixed and ascertained, and the said court shall mould the said issue, in such manner as shall be calculated to do justice to the contending parties, and so that the whole merits shall be fully and fairly tried, and shall have power to decree, touching the costs of such issue, as to right and justice shall appertain, and whether the same shall be paid by either party, or in proportion among all, and the trial of such issue, and the judgment and decree of the court thereon shall be final, and the board of property shall issue the certificate or certificates, for such valuation monies, accordingly: *Provided always,* That nothing herein contained shall be construed to prevent either of the parties, when any suit is brought under the provisions of this act, from a decision by arbitration, agreeably to the existing laws of this commonwealth.

Board of property to direct an issue in certain cases.

When and in what manner.

Certificates to be issued thereon. Provide.

SECT. II. *And be it further enacted by the authority aforesaid,* That the party demanding such issue shall give due notice thereof, to the adverse party or parties, affidavit of which notice shall be filed with the record, and if such parties do not appear, the said court shall proceed ex parte: *Provided,* That no such issue shall be entered, unless the same shall be demanded in controversies now depend-

Party demanding the issue, to give notice &c.

Time within which the issue must be entered.

1810. ing, within two months after passing this act, or in such as hereafter may arise, either at the time of hearing before the board of property, or in three months after their decision, in case they shall proceed to decide thereon.

Passed 20th March, 1810.—Recorded in Law Book No. XII. page 169.

CHAPTER MMMCCXXXIII.

An ACT making appropriations to defray certain expenses of government, and to repeal the first section of an act, entitled "An act relating to the association of individuals, for the purpose of banking."

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* for the payment of the debts and expenses hereinafter mentioned, there are hereby appropriated out of the funds for the support of government, the following sums, to wit: For clerk hire in the office of the secretary of the commonwealth, fifteen hundred dollars; for contingent expenses in said office, for one year, eleven hundred dollars; for extra clerk hire in the office of the state treasurer, including a deficiency in last year's appropriation, one thousand two hundred dollars; for contingent expenses in said office for one year, seven hundred dollars; for clerk hire in the office of auditor-general, one thousand six hundred dollars; for contingent expenses in said office for one year, four hundred dollars; for contingent expenses in the office of the secretary of the land-office for one year, including the deficiency of last year's appropriation, two thousand four hundred dollars; including the expenses of the board of property, for contingent expenses in the office of the surveyor-general, for one year, eight hundred dollars; and that the sums hereby appropriated, shall be paid by the state treasurer, previous to which the officers holding the aforesaid offices, shall exhibit their accounts and vouchers for said expenditures, to the accountant department, which is hereby authorized and required to adjust and settle the same.

SECT. II. *And be it further enacted by the authority aforesaid, That* the sum of two thousand dollars be, and the same hereby is appropriated to enable the accountant officers to settle and discharge all reasonable expenses, which have arisen, or may arise from suits at law, in which the commonwealth is concerned, whether determined in court or by arbitration, and that the sum of five hundred dollars be and is hereby appropriated for the discharge of such miscellaneous claims against the commonwealth, not otherwise provided for, as may be admitted in due course of settlement, by the accountant officers: *Provided, That* it shall be the duty of said officers to report specially to the next legislature, the nature and amount of the demands paid under the provision of this section.

SECT. III. *And be it further enacted by the authority aforesaid, That* the sum of one hundred and seventy-seven dollars be, and the same hereby is appropriated for the payment of the expenses of em-

1500 dollars appropriated for clerk hire, 1100 for contingent expenses in the secretary's office.

Appropriation for the office of state treasurer.

Of auditor-general.

Of the secretary of the land-office. And of the surveyor-general.

Accounts to be exhibited, &c.

Two thousand dollars appropriated, &c.

Accountant officers to report to the next legislature.

177 dollars appropriated, &c.

employing a surveyor by the commissioners, for laying out a state road, in the counties of Somerset and Fayette, under the act of fourth of April last. 1810.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the accountant officers are hereby authorized and required, to adjust and settle in the usual manner, the accounts of such persons as have been employed to put the public arms in a condition for service, and the amount of such accounts shall be paid on the warrant of the auditor-general, as in other cases, out of any unappropriated monies in the treasury. Accounts for repairing ar. s, &c. to be allowed.

SECT. V. *And be it further enacted by the authority aforesaid,* That the first section of the act, entitled "An act relating to the association of individuals, for the purpose of banking," passed the twenty-eighth day of March, one thousand eight hundred and eight, be, and the same is hereby repealed from and after the first day of May next.* The first section of an act relative to banking repealed. (* Vol. 4, page 536.)

Passed 20th March, 1810.—Recorded in Law Book No. XII. page 171.

CHAPTER MMMCCXXXIV.

An ACT incorporating the Bedford Academy and granting a sum of money thereto.

SECT. 1. [AN academy established in the borough of Bedford, by the style and title of "Bedford Academy." Trustees named. Who and their successors shall be a body politic, and their powers and duties prescribed. 2. Number of trustees to be eight, and term of service prescribed. Lots to be cast for a change of members. Two members to be elected in October annually; and how vacancies shall be supplied. 3. Treasurer to be appointed and his duties declared. 4. Two thousand dollars granted to said academy. How to be drawn and applied. Poor children to be taught gratis, but the number not to exceed four at any one time. 5. Trustees to exhibit their accounts to the auditors of Bedford county under a penalty of forty dollars. Present charter of said academy to be void.]

Passed 20th March, 1810.—Recorded in Law Book No. XII. page 172.

CHAPTER MMMCCXXXV.

A SUPPLEMENT to an act, entitled "An act to enable the governor of this commonwealth to incorporate a company for making an artificial road from the intersection of Front-street and the Germantown road in the Northern Liberties of the city of Philadelphia, through Frankford and Bristol, to the Ferry at Morrisville, on the river Delaware," and the several acts supplementary thereto. (Vol. 4, page 27--220.)

SECT. 1. [PRESIDENT, Managers and Company of the Frankford and Bristol turnpike company to make tender of the

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1810. value of lands to be held by them. How said value shall be ascertained, by a certain reference. And the award of the referees to be final.

Passed 20th March, 1810.—Recorded in Law Book No. XII. page 174.

CHAPTER MMMCCXXXVI.

A SUPPLEMENT to an act, entitled "An act to authorize Robert Kennedy, his heirs and assigns, to dig and support a mill race, in and adjacent to the river Schuylkill, near its falls."

SECT. 1. [THE fourth section of the original act repealed. Robert Kennedy, &c. to receive fifty cents from each person navigating through his lock. 2. Said Kennedy not to erect water works on west side of Schuylkill. 3. Part of the first section of the original act repealed.]

Passed 20th March, 1810.—Recorded in Law Book No. XII. page 175.

CHAPTER MMMCCXXXVII.

An ACT establishing an Academy in Carmichael's town, in the county of Greene.

SECT. 1. [AN academy established at Carmichael's town. Commissioners named. Who and their successors shall be a body politic; and powers and duties of. Style of the corporation to be, "The Trustees of Greene Academy." 2. Number of trustees to be six. Their term of service. Four of whom to be a quorum. How the members shall be changed. Elections to be held, &c. Proviso, to be re-eligible. 3. Annual meetings to be held on the third Tuesday in May. 4. Treasurer to be appointed, and his duties prescribed. He shall give bond, &c. 5. Two thousand dollars granted to said academy, and appropriation thereof declared. Poor children to be admitted into said academy. Number of, not to exceed six. Said two thousand dollars not to be drawn until a certain building is conveyed to said corporation. 6. Penalty on trustees not submitting their books, &c. to the auditors of Greene county.]

Passed 20th March, 1810 —Recorded in Law Book No. XII. page 176.

CHAPTER MMMCCXXXVIII.

An ACT to repeal parts of certain acts of assembly therein mentioned, and to provide a mode of investing in stock the surplus money in the treasury, and for other purposes.

SECT. 1. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assem-

ably met, and it is hereby enacted by the authority of the same, That 1810.
 so much of the following acts of assembly, to wit : " An act to encourage the patenting lands and for other purposes," passed the fourth of April, one thousand eight hundred and five, the act entitled, " A supplement to an act, entitled " An act to enable the governor of this commonwealth, to incorporate a company for opening a canal and lock navigation between the rivers Schuylkill and Susquehanna, by the waters of Tulpehocken, Quittapahilla, and Swatara, in the counties of Berks and Dauphin," passed the fourth of March, one thousand eight hundred and seven, and the act, entitled " An act for the improvement of the state," passed the twenty-first March, one thousand eight hundred and eight, as authorizes and requires the governor to invest any sum or sums of money in bank or other stock, be, and the same is hereby repealed.

Parts of certain acts repealed.

SECT. II. *And be it further enacted by the authority aforesaid,* That in lieu of the provisions of the eighth section of the act, entitled " A supplement to an act, entitled " An act to enable the governor of this commonwealth to incorporate a company for opening a canal and lock navigation, between the rivers Schuylkill and Susquehanna, by the waters of Tulpehocken, Quittapahilla and Swatara, in the counties of Berks and Dauphin," there is hereby appropriated and pledged, an amount of the stock already purchased and held by the commonwealth in the bank of Pennsylvania, sufficient to discharge the obligations of the state expressed in the said act, and in lieu of the provisions of the third and fourth sections of the act, entitled " An act for the improvement of the state," there is hereby appropriated and pledged, an amount of stock held by the state in the bank aforesaid, sufficient to satisfy the demands which may be made on the state treasury, under the said act.

Stock of the state in the Pennsylvania bank, pledged for certain engagements.

SECT. III. *And be it further enacted by the authority aforesaid,* That the governor be, and he is hereby authorized and required, from time to time, to sell so much of the stock hereby pledged, as will satisfy the demands which may be made under the said acts, or to negotiate a loan or loans (if in his opinion the sale of said stock will be injurious to the interest of the commonwealth) for such sum or sums of money as may be sufficient to satisfy the said demands.

The governor authorized to sell said stock, or negotiate a loan.

SECT. IV. *And be it further enacted by the authority aforesaid,* That whenever the money in the treasury shall exceed thirty thousand dollars, the governor is hereby authorized and required to vest the surplus in subscriptions of stock in the bank of Pennsylvania, under the privileges reserved in the act, entitled " An act to continue an act, entitled " An act to incorporate the subscribers to the bank of Pennsylvania, and for other purposes," provided however, that no investment be made at any one time, of a less sum than five thousand dollars. And it shall be the duty of the secretary of the commonwealth to give information to the legislature from time to time, of the investments made in pursuance of this act.

Surplus monies in the treasury to be vested in stock of the bank of Pennsylvania.

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CHAPTER MMMCCXXXIX.

*An ACT to repeal certain acts therein mentioned.*Certain acts
of assembly
repealed.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the following acts, to wit: The act entitled, "An act about boats and canoes;" The act, entitled "An act for the appraisement of goods," the act, entitled "An act against wears across creeks and rivers," the act, entitled "An act for ascertaining the dimensions of casks, and for the true packing of meat, for transportation," the act, entitled "The law against persons judging in their own cause," the act, entitled "An act for the destruction of black-birds and crows," which said acts were passed in the year one thousand seven hundred, the act, entitled "An act for mariners not to be trusted, passed in the year one thousand seven hundred and five," the act, entitled "An act about arrests and making debtors pay by servitude," passed in the same year, the act, entitled "An act for the well tanning and currying of leather, and regulating of cordwainers, and other artificers using and occupying leather within this province," passed the twenty-sixth of August, in the year one thousand seven hundred and twenty-one, the act, entitled "An act for encouraging the making of good beer, and for the consumption of grain in this province," passed the twelfth day of May, in the year one thousand seven hundred and twenty-two, and the supplement to said act, passed the thirtieth day of March, one thousand seven hundred and twenty-three, and the act, entitled "An act to improve the breed of horses, and regulate rangers," passed the ninth of May, in the year one thousand seven hundred and twenty-four, and the act, entitled "A supplement to an act, entitled "An act to improve the breed of horses, and regulate rangers," passed ninth December, one thousand seven hundred and eighty-nine, and the act, entitled "A further supplement to the act, entitled "An act to improve the breed of horses, and regulate rangers," passed twenty-second April, one thousand seven hundred and ninety-four, be, and the same hereby are repealed.*

Passed 20th March, 1810.—Recorded in Law Book No. XII. page 179:

CHAPTER MMMCCXL.

(Vol. 9, pa.
270.)

A SUPPLEMENT to an act, entitled "*An act to incorporate a company for making an artificial road from Harrisburgh, through Lewistown and Huntingdon, to Pittsburgh.*"

SECT. 1. [COMMISSIONERS appointed. Who shall procure books, for entering subscriptions. Notice to be given of the time and places of opening the books. One or more of the commissioners to attend, and how long to be kept open. If said books have not the full number of shares subscribed therein within six days, they may be transferred. Notice of transferring the books to

be given. Three dollars to be paid on subscribing, and how appropriated. 2. When fifty persons or more, shall have subscribed, the one third of the whole number of shares required, the same to be certified to the governor, who shall erect the subscribers into a body politic, by the style and title of "The President, Managers and Company of the Huntingdon, Cambria, and Indiana Turnpike Road," with the usual corporate powers and privileges, and under the same penalties and restrictions, as in the original act.]

SECT. III. *And be it further enacted by the authority aforesaid,* That as soon as the company shall be incorporated, in pursuance of the act to which this is a supplement, and shall proceed to carry on the road contemplated to be completed by the said act, the said company to be incorporated by this act, shall be incorporated with, and the subscribers thereto shall constitute a part of the company to be incorporated by virtue of the act to which this is a supplement, and shall cease to act or be known by any other name, character or capacity, and the said company so consolidated, shall have and enjoy all the privileges, rights and benefits, provided in and by the act to which this is a supplement : *Provided nevertheless,* That the tolls on so much of the said road as shall be completed under this act, shall continue to be divided, if any dividend shall be declared to the original subscribers under this act, until a portion of the road equal to what shall have been made by the company under this act, shall be completed by the consolidated company, for which they shall be entitled to receive toll, and all unsettled accounts of the said company, shall be settled and adjusted by the consolidated company, who shall be liable to all the engagements and contracts of the company which may be incorporated under this act, and nothing herein shall operate or be construed to impair or defeat any of the provisions of the original act : *And provided also,* until the said consolidation, the said company shall continue an entire separate body politic.

When the company in the original act mentioned, shall be incorporated, &c. the corporation hereby created, to be incorporated therewith.

Proviso as to the tolls.

Of the settlement of the accounts.

Passed 20th March, 1810.—Recorded in Law Book No. XII. page 819.

CHAPTER MMMCCXLI.

An ACT to incorporate the Western Missionary Society.

SECT. 1. [THE Pittsburgh Synod constituted a body politic, by the style of "The Western Missionary Society." 2. The property of the society vested in the corporation. Said corporation empowered to take and hold other property. Provided the proceeds of, do not exceed five thousand dollars. And how to be appropriated. 3. Privileges of the corporation, declared. 4. Further powers and privileges enumerated. Not inconsistent with the constitution and laws. 5. Annual meetings to be held, and officers to be elected. Five trustees to constitute a quorum. 6. Accounts, &c. of the corporation to be kept ; and submitted to the members thereof. 7. In case of misuser or nonuser of the powers hereby granted, the legislature may resume the same. 8. This act to continue in force twenty-one years.]

Passed 20th March, 1810.—Recorded in Law Book No. XII. page 183.

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CHAPTER MMMCCXLII.

[Vol. 4, pa.
215.]

An ACT supplementary to an act, entitled "An act directing the sales of certain town-lots in the town of Beaver, and other land adjacent thereto."

A proviso in
the original
act extended.Except as to
lot No. 97.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the time mentioned for making improvements in the proviso of the first section of the act to which this is a supplement, be, and the same is hereby extended to the first day of September, one thousand eight hundred and eleven, and no longer: Provided always, That the extension herein mentioned shall not extend to lot number ninety-seven, in the plan of said town; the title of which shall be vested in Matthew Taylor Steen, his heirs or assigns, on his or their paying to the treasurer of this commonwealth the sum for which said lot was sold by the commissioners appointed for that purpose.*

Passed 20th March, 1810.—Recorded in Law Book No. XII. page 185.

CHAPTER MMMCCXLIV.

[Vol. 4, pa.
270.]

A SUPPLEMENT to the act, entitled "An act to alter the Judiciary System of this commonwealth," passed February twenty-fourth, one thousand eight hundred and six.

Supreme
court in cer-
tain cases to
have original
jurisdiction
within the
city and
county.

[SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the Supreme Court of this commonwealth shall have original jurisdiction within the city and county of Philadelphia, in all civil actions wherein the matter in controversy shall be of the value of five hundred dollars and upwards, and shall have and possess all and singular, the powers and authorities of issuing writs and original process, in actions wherein the matter in controversy shall be of the value aforesaid, which they had and possessed before the passing of the act to which this is a supplement.*

Courts of
Nisi Prius
to be held in
same place.

Proviso.

SECT. II. *And be it further enacted by the authority aforesaid, That the judges of the said Supreme Court shall severally, in the order and rotation, at the times and periods to be established by themselves, hold courts of Nisi Prius in the same city and county at least thirty-three weeks in each and every year hereafter: Provided always, That if the business of the said courts shall not require so long a time to go through and finish the same, that in such case the said judges shall not be obliged to hold their said sessions for the whole number of weeks hereinbefore mentioned, but only for so long a time as shall be necessary to go through and finish the business of the said court.*

In demands
of 500 dol-
lars, &c. the

SECT. III. *And be it further enacted by the authority aforesaid, That in all actions brought, or to be brought in the Court of Com-*

mon Pleas for said county, wherein the matter in controversy shall be of the value of five hundred dollars and upwards, the defendant or defendants in such action or actions shall be at liberty to remove the same to the said Supreme Court before the second term of the said Court of Common Pleas, next after the commencement of the said action, on the same conditions, and under the same regulations as he or they now can do, in actions where the matters in controversy exceed the value of one thousand dollars.

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suit may be removed from the Common Pleas of said county to the said Supreme Court.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the fees receivable in the Supreme Court in the city and county of Philadelphia, after the first day of April next, shall in all cases be the same as the fees by law are receivable in the Court of Common Pleas in said city and county, for similar services.

Of fees.

SECT. V. *And be it further enacted by the authority aforesaid,* That the nineteenth section of the act to which this is a supplement, and such other parts of that act or of any other act or acts of this commonwealth as are hereby superseded or altered be, and the same are hereby repealed, and that the certificate required by the twentieth section of the act to which this is a supplement, from the party or his attorney, in the precept for the removal of any action from the said Court of Common Pleas to the said Supreme Court shall declare that he verily believes the matters in controversy in that action are of the value of five hundred dollars and upwards.

The 19th section and other parts of the original act repealed.

Passed 20th March, 1810.—Recorded in Law Book No. XII. page 187.

CHAPTER MMMCCXLV.

An ACT authorizing the governor to incorporate a company for erecting a bridge over the Allegheny river opposite Pittsburgh, in the county of Allegheny.

SECT. 1. [COMMISSIONERS appointed. Who shall provide books for entering subscriptions. Notice to be given when and where the books shall be opened. One, &c. the commissioners to attend. If one thousand four hundred shares are not subscribed within three days, commissioners may adjourn. When said number shall be subscribed notice thereof to be given. Five dollars to be paid on subscribing. How appropriated. 2. When the subscription is full the same to be certified to the governor. Who shall erect the subscribers into a body politic, by the name and style of "The President, Managers and Company for erecting a bridge over the Allegheny river opposite Pittsburgh, in the county of Allegheny," with the usual powers and privileges. 3. Notice to be given of the organization of the company, and officers to be chosen, and their powers declared. No person to have more than five votes, &c. 4. Annual meetings to be held on the first Monday in May. 5. Certificates of stock to be issued, and ten dollars to be paid on each. Certificates to be assignable. 6. Five members to be a quorum. Minutes to be kept, and powers of a quorum declared. 7. Penalty on neglecting to pay instalments. 8. President, &c. may enter en-

1810. closures and take materials. Damages how ascertained and paid: *Provided*, That nothing in this act contained shall authorize the said company to erect said bridge, so as to impede or interrupt the navigation of the said river. 9. Accounts of receipts and payments to be kept, and submitted to the stockholders; and in what case the number of shares may be extended. 10. The property of the bridge to be vested in the company, and rates of toll prescribed: *Provided*, That any detachment of the military of this state, and persons attending funerals, shall at all times be exempt from toll. 11. Penalty for collecting illegal tolls. Or suffering the bridge to be out of repair, and how recovered and appropriated. Suit to be brought within thirty days, and appeal granted, or certiorari. 12. Account of the receipt of tolls to be kept, and dividends to be declared and published, and paid. 13. Penalty on injuring the property of the corporation. Or impeding the passage over said bridge, and how recovered. Suit to be brought within thirty days, &c. 14. Statements of the accounts of the corporation to be laid triennially before the legislature. If the profits do not divide six per cent. the tolls may be raised. If more than fifteen, the excess to constitute a fund for the redemption of the bridge. Said excess to be vested in productive stock. If the bridge be not freed in forty years, the legislature may redeem the same, and in what manner. If not redeemed in that time, the corporation may continue to hold it. 15. Work to be commenced within three, and completed in seven years.]

Passed 20th March, 1810.—Recorded in Law Book No. XII. page 188.

CHAPTER MMMCCXLVII.

An ACT to enable the governor to incorporate a company to make an artificial road from the Blue Ball tavern on the Downingtown, Ephrata and Harrisburgh turnpike, through New Holland to Binkley's bridge, from thence to the borough of Lancaster.

SECT. 1. [COMMISSIONERS named. Who shall procure two books to enter subscriptions in. Notice to be given of the time and places of opening the books. Two of the commissioners to attend. If the books have not three hundred shares subscribed therein within six days, they may be transferred. Public notice thereof to be given. Five dollars to be paid on subscribing. How appropriated. 2. When thirty persons or more shall have subscribed fifty shares, the commissioners shall certify the same to the governor, who shall erect the subscribers into a body politic, by the style and title of "The President, Managers and Company of the New-Holland Turnpike Road," with the usual corporate powers and privileges. 3. Notice to be given of the organization of the company. What officers to be chosen, and the powers and duties of them prescribed. And restrictions to be the same as the Downingtown and Harrisburgh road. When five miles are completed a gate may be erected. The works to be begun in three and completed in seven years.]

Passed 20th March, 1810.—Recorded in Law Book No. XII. page 196.

CHAPTER MMMCCXLVIII.

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A SUPPLEMENT to an act, entitled "*An act to provide a more effectual method of settling the public accounts of the commissioners and treasurers of the respective counties, and for other purposes.*"

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the auditors of each and every county shall have the power to settle and adjust the public accounts of all such former or present commissioners and treasurers, respectively, as have not heretofore settled their public accounts.

Powers given to the county auditors.

SECT. II. *And be it further enacted by the authority aforesaid, That* it shall be the duty of the auditors aforesaid, to settle and adjust the account of all monies received by the sheriffs or coroners, agreeably to an act directing the mode of selecting and returning jurors; and such auditors shall have like powers and authority in settling such accounts, as they have in other cases; and on filing a copy of such settlement in the prothonotary's office, it shall be under the same laws, rules and regulations, and have the same operation and effect as the report of auditors against county treasurers.

Shall adjust the accounts of monies received by the sheriffs,

Copy thereof to be filed.

SECT. III. *And be it further enacted by the authority aforesaid, That* all persons who now are, or have been sheriffs, or county commissioners, and all persons who have heretofore been county treasurers, or the executors or administrators of any such persons aforesaid, having in their hands any monies, made out of the sales of unseated lands, and remaining in their hands, after the deduction of the taxes as aforesaid, are hereby authorized and required forthwith to pay them over to the county treasurer for the time being, who shall hold the same for the same uses and trusts as the said persons respectively did.

Persons having monies arising from the sales of unseated lands authorized to pay them over to the county treasurer.

Passed 20th March, 1810.—Recorded in Law Book No. XII. page 199.

CHAPTER MMMCCXLIX.

An ACT to amend and consolidate with its supplements the act entitled "*An act for the recovery of debts and demands, not exceeding one hundred dollars, before a Justice of the Peace, and for the election of Constables, and for other purposes.*"

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the justices of the peace of the several counties of this commonwealth, shall have jurisdiction of all causes of action arising from contract, either express or implied, in all cases where the sum demanded is not above one hundred dollars; except in cases of real contract, where the title to lands or tenements may come in question, or action upon promise of marriage.

Jurisdiction of justices of the peace to extend, &c.

Real contracts and promises of marriage excepted.

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SECT. II. *And be it further enacted by the authority aforesaid,*Summons to
be issued.If the party
be not a free-
holder, &c.Appearance
to be within
eight days,
&c.
What shall
be proof of
the service
of the sum-
mons.Constables
may take
bail, &c.Form of bail
bond.Which may
be assigned,
&c.If the bail be
insufficient,
&c.Scire facias
may issue
against bail.Who may
surrender
the principal
to gaol, &c.If the de-
mand be not
above 5 dol-
lars and 33
cents, the

That the said justices are hereby respectively empowered and required, upon complaint being made to any of them touching any such demand as aforesaid, to issue a summons, if the party complained of, be a freeholder; if not, either a summons or a warrant of arrest, directed to the constable of the township, ward or district, where the defendant usually resides, or can be found, or to the next constable most convenient to the defendant, if on a summons, commanding him to cause the said defendant to appear before the said justice on a certain day therein to be expressed, not more than eight, nor less than five days after the date of the summons; and the service on the defendant shall be by producing the original summons to, and informing him of the contents thereof, or leaving a copy of it at his dwelling-house, in the presence of one or more of his family or neighbours, at least four days before the time of hearing; but if on a warrant of arrest, forthwith on the service of the same: *Provided nevertheless,* That in all cases where a warrant or capias is issued against the person of a debtor, it shall and may be lawful for the proper constable of the township, ward, or district, to take bail for the appearance of the defendant before the justice from whom said warrant or capias may have been issued, in the following words: We **A. B.** and **C. D.** are held and firmly bound unto **E. F.** constable of _____ or order, in the sum of _____ on condition that the said **A. B.** shall be and appear before **G. H.** esquire, justice of the peace in the township of _____ on the _____ day of _____ to answer in a plea

Witness our hands, the _____ day of _____

And if on the return of the said warrant or capias, the defendant shall not appear and enter bail, before the justice, in the nature of special bail, the constable may assign the obligation to the plaintiff, if he will accept the same, which obligation may be sued in the name of the plaintiff, as assignee of the said constable; but if the bail for the appearance, so taken by the constable, shall be insufficient, the constable shall be liable therefor, as sheriffs now are, to the plaintiff or plaintiffs, named in the warrant or capias, notwithstanding such assignment; but if the defendant shall appear and enter special bail, the justice may proceed to the final determination of the suit, according to law; and after judgment such bail shall be proceeded against by scire facias, and shall be liable in the same manner as special bail now is liable in cases in the Courts of Common Pleas, and may surrender the principal to the gaol of the proper county, within ten days after the service of the scire facias, in discharge of the bail; nevertheless the bail to the constable may enter sufficient special bail to the suit, or cause it to be entered, at the return of the warrant or capias, in discharge of the obligation, where the defendant may neglect or refuse to appear; in which case the justice may proceed in the same manner as if the defendant had appeared.

SECT. III. *And be it further enacted by the authority aforesaid,* That if the parties appear before the justice, either in person or by agents, the justice shall proceed to hear their proofs and allegations;

and if the demand shall not exceed five dollars and thirty-three cents, 1810. shall give judgment as to right and justice may belong, which judgment shall be final; but if the demand or sum in controversy shall be more than that sum, and shall not exceed one hundred dollars, and either party shall refuse to submit the determination of the cause to the justice, he shall, in that case, request them to choose referees, one, two, or three, each, and mutually to agree on a third, fifth, or seventh man, all of whom shall be sworn or affirmed, well and truly to try all matters in variance between the parties, submitted to them; and on having heard their proofs and allegations, they, or a majority of them, shall make out an award under their hands, and transmit the same to such justice, who shall thereupon enter judgment for the sum awarded, and costs, and shall allow each of the said referees fifty cents per day, for his service; which judgment so obtained, when not exceeding twenty dollars, shall be final and conclusive to both plaintiff and defendant, without further appeal; and it shall be the duty of the justice to notify, through a constable or some fit person, each of the referees, so chosen, of their appointment, and of the time and place fixed for a hearing; and if any person so chosen and notified, as aforesaid, shall neglect or refuse to serve, he shall, for every such neglect or refusal, unless prevented by sickness or some other unavoidable cause, forfeit and pay the sum of two dollars, for the use of the poor, and where there are no poor, to be paid to the supervisors of the roads, to be applied by them in repairing the streets or public highways of the city or township in which such person or persons, so refusing or neglecting, shall reside, which fine shall be recovered before such justice of the peace, on complaint of the party injured, as other fines are by law recoverable: *Provided*, That an action be brought within thirty days after such neglect or refusal.

judgment, &c. to be final.
If above that sum, &c. parties to choose referees.
Number of.
How qualified.

Compensation to.
Judgment on award of, &c.

Referees to be notified.

Penalty on refusing to serve.

How recovered and appropriated.
The action to be brought within 30 days.

If the parties refuse to refer, &c.

Appeal to be within 20 days.

Appellant to notify, &c.

Appellant to give security unless, &c.

Of the costs of the appeal.

SECT. IV. *And be it further enacted by the authority aforesaid*, That if either party or their agents, shall refuse to refer, the justice may proceed to hear and examine their proofs and allegations, and thereupon give judgment publicly, as to him of right may appear to belong, either party having the right to appeal within twenty days after judgment being given, either by the justice alone, or on award of referees, when such award shall exceed the sum of twenty dollars. And if the parties are dismissed before an appeal is made, the justice shall, at the instance of the appellant, notify, through a constable or other fit person, the adverse party to appear before him on some day certain, and if the parties shall appear on the day appointed, it shall be in the power of the justice, with consent of the parties or their agents, to open his judgment and give them another hearing; but if they will not agree to such rehearing, the party appellant shall be bound with surety in the nature of special bail, unless such party appellant be an executor or administrator, body corporate or politic, in all or either of which cases the party appellant shall be entitled to the appeal without being bound with surety in the nature of special bail, whether the appellee shall appear or not, if the plaintiff, in a sum sufficient to cover all the costs which have or may accrue, with four dollars as a council fee, and fifty cents per day for every day the appellee shall attend

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on such appeal, which the appellant shall be bound to pay, if the judgment of the justice shall be affirmed by the court, or if he shall recover less than the amount of the judgment of the justice, if the defendant be the appellant, he shall be bound with surety as aforesaid, in a sum sufficient to cover the sum in controversy, all the costs, council fee and daily pay, aforesaid, which he shall be bound to pay, if the judgment of the justice shall be affirmed by the court, or if the plaintiff shall recover more than the amount of the judgment of the justice; but on the reversal or abatement of the amount of a judgment on an appeal, the defendant, if the appellant shall be allowed his daily pay, council fee and costs, only in case he produces no evidence before the court other than that which he exhibited before the justice or referees; or in case of his having offered security as aforesaid, if he is not a freeholder, for his appearance on an after day, or being a freeholder was refused time to prepare or produce his proof, or in case of judgment against him by default, the plaintiff refused his consent to a rehearing, which costs shall be taxed by the court, and all which proceeding so had before the justice, shall be entered at large by him in a docket or book, to be kept by him for that purpose, in which he shall state the kind of evidence upon which the plaintiff's demand may be founded, whether upon bond, note, penal or single bill, writing obligatory, book debt, damages on assumption, or whatever it may be; and the whole proceeding in case of appeal shall be certified to the prothonotary of the proper county, who shall enter the same on his docket, and the suit shall from thence take grade with, and be subject to the same rules as other actions, where the parties are considered to be in court, and the costs accrued before the justice, shall await the event of the suit: *Provided always*, That if the party appellant shall enter bail to appeal within twenty days after judgment being given as aforesaid, such appeal shall be effectual, in case such party appellant shall file the transcript of the record of the justice, in the prothonotary's office, on or before the first day of the next term of the Court of Common Pleas of the proper county, after entering such bail as aforesaid: *Provided*, That upon any such appeal from the decision, determination or order, of two justices of the peace, to the Court of Common Pleas or Court of Quarter Sessions, in any county, the cause shall be decided in such court on its facts and merits only; and no deficiency of form or substance in the record or proceedings returned, nor any mistake in the form or name of the action, shall prejudice either party in the court to which the appeal shall be made: *Provided further, nevertheless*, if any executor or administrator shall declare, before the justice, after judgment against him, that he has not sufficient assets to satisfy such judgment, it shall be the duty of the justice forthwith to transmit the record of his judgment to the prothonotary of the Court of Common Pleas, to be entered on his docket; and the said court shall adjudge and decree thereon, and appoint auditors to ascertain and apportion the assets, according to law, as in other cases.

SECT. V. *And be it further enacted by the authority aforesaid*, That the special bail directed to be taken by the justice in case of an appeal, shall be conditioned for the appearance of the party ap-

Justice shall enter his proceedings in a docket. And in what manner.

When the transcript shall be filed.

Cause to be tried on its merits only.

Proviso, where executors, &c. plead a deficiency of assets.

Nature of the special bail to be taken by the justice.

pealing at the next Court of Common Pleas, to prosecute his suit with effect, and on failure thereof, that the bail will pay the debt and costs, if the appeal is made by the defendant, or the costs, if the appeal is made by the plaintiff, or that the bail will on or before the first day of the next term after judgment shall be rendered against the principal, surrender him to the gaol of the proper county ; on which surrender being so made, the bail shall be exonerated, but not otherwise, and a certified copy of such recognizance by the justice of the peace, shall be a sufficient authority for the special bail, or any person authorized by him, to take the principal, within this commonwealth, and to deliver him to the gaol of the county wherein the proceedings were had, and the gaoler and the sheriff are hereby directed to receive him and keep such principal so surrendered, together with the bail-piece upon which the surrender was made, until he shall be discharged by law ; and where no appeal shall be made from the justice, and the special bail do not surrender the body of the defendant to the gaol of the county, for which he shall have authority as above directed, on or before the return day of the scire facias issued by the justice against such bail, and cannot shew sufficient cause why he should be exonerated, the justice shall enter judgment and issue execution without stay, against him for the same.

Of the bail piece. Proceedings upon.

If the principal be not surrendered, &c.

SECT. VI. *And be it further enacted by the authority aforesaid,* That in case the defendant does not appear upon summons, on the day appointed, the justice may, on due proof, by oath or affirmation, of the service of the summons as aforementioned, proceed to give judgment by default publicly against such defendant, allowing twenty days as aforesaid for an appeal, where the defendant be a freeholder, before any further proceedings are had ; but in case he is not a freeholder, the justice may then issue an execution directed to a constable as aforesaid, who shall proceed as in other cases ; but if the defendant, within twenty days after such judgment, shall enter special bail, and pay the costs accrued on the execution he shall then be entitled to an appeal or stay of execution, in the same manner as though the bail had been entered at the time of rendering such judgment ; and in case the plaintiff does not appear, either in person or by agent, to substantiate his charge, the justice may then, or at such other day as he may judge reasonable, proceed to give judgment against him by non-suit for the costs, and fifty cents per day for the reasonable costs of the defendant, for his trouble in attending such suit.

If defendant does not appear judgment to go by default, 20 days to be allowed for an appeal.

If defendant be not a freeholder, &c.

SECT. VII. *And be it further enacted by the authority aforesaid,* That a defendant who shall neglect or refuse in any case to set off his demand, whether founded upon bond, note penal, or single bill, writing obligatory, book account, or damages, on assumption against a plaintiff, which shall not exceed the sum of one hundred dollars, before a justice of the peace, shall be and is hereby forever barred from recovering against the party plaintiff by any after suit : but in case of judgment by default, the defendant, if he has any account to set off against the plaintiff's demand, shall be entitled to a rehearing before the justice within thirty days, on proof being made, either on oath or affirmation of the defendant, or other satisfactory evidence,

If defendant refuses to set off, he shall not afterwards recover.

In case of judgment by default, &c. Proceedings in.

1810. that the defendant was absent when the process was served and did not return home before the return day of such process, or that he was prevented by sickness of himself, or other unavoidable cause; and the justice shall have power to render judgment for the balance in favour of the plaintiff or defendant, as justice may require.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That upon the affidavit of either party, or their agent, that the testimony of any material witness is wanted who resides out of the county, or from his infirmity of body or other causes cannot be obtained personally, the cause shall be postponed to a day certain, within such reasonable time as the distance of the witness, the season of the year, and the circumstance of the roads may render it proper to obtain the deposition of the witness wanted, and whenever a cause is postponed at the instance of the defendant, he shall enter into a recognizance for a sum sufficient to cover the demand in question, together with the costs, with one sufficient surety for his appearance on the day fixed as aforesaid, and whenever a rule for taking the deposition of a witness or witnesses shall be applied for, as aforesaid, the party so applying shall file a copy of the interrogatories or questions intended to be asked the witnesses, and a copy of such interrogatories or questions shall be delivered to the opposite party or his agent, who may also file such additional questions as he may think proper: *Provided,* The same be done within four days after the receipt of such copy, which rule and interrogatories being certified by the justice, before whom the cause is depending, shall be sufficient authority for the justice who may be named in said rule, to take the answers of such witnesses as may be therein named, but where the witnesses reside in the county, or in cases where the parties or their agents agree to enter a rule to take depositions, it may be done without filing interrogatories upon notice given agreeably to the rule, of the time and place appointed for the examination of the witness, and testimony so taken, shall be read in evidence on the trial before the justice or referees.

SECT. IX. *And be it further enacted by the authority aforesaid,* That in all cases where the defendant is a freeholder, or enters special bail to the action, and the judgment rendered, shall be above five dollars and thirty-three cents, and not exceeding twenty dollars, there shall be a stay of execution for three months; and where the judgment shall be above twenty dollars, and not exceeding sixty dollars, there shall be a stay of six months; and where the judgment shall be above sixty dollars and not exceeding one hundred, there shall be a stay of execution for nine months.

SECT. X. *And be it further enacted by the authority aforesaid,* That the prothonotaries of the respective counties shall enter on their dockets, transcripts of judgments obtained before justices of the peace of their proper counties, without the agency of an attorney, for the fee of fifty cents, which transcripts the justices shall deliver to any person who may apply for the same, and which judgments from the time of such entries on the prothonotary's docket, shall bind the real estate of the defendants, but no fieri facias shall be issued by any prothonotary, until a certificate shall be first produced to him from the justice, before whom the original judgment

Proceedings to be had when a material witness resides out of the county, &c.

Interrogatories to be filed.

Within four days.

Of the examination of such witnesses.

Of the stay of execution.

Prothonotaries to enter transcripts, &c.

Fee allowed for.

When a fieri facias may thereon issue.

was entered, stating therein, that an execution had issued to the proper constable as directed by this act, and a return thereon that no goods could be found sufficient to satisfy said demand, and any justice issuing an execution on a judgment removed as aforesaid, shall, on the plaintiff producing a receipt for the delivery of such transcript to the prothonotary of the county, to be entered of record, tax fifty cents upon such execution for the prothonotary's fees as aforesaid, and no judgment, whether obtained before a justice, or in any court of record within this commonwealth, shall deprive any person of his or her right as a freeholder longer or for any greater time, than such judgment shall remain unsatisfied, any law, usage or custom, to the contrary notwithstanding.

1810.

SECT. XI. *And be it further enacted by the authority aforesaid,* That every justice of the peace rendering judgment as aforesaid shall receive the amount of the judgment if offered by the defendant or his agent before execution, and pay the same over to the plaintiff or his agent when required; for which service he shall, if exceeding five dollars and thirty-three cents, be allowed twenty-five cents by the defendant, in addition to his usual fees, and if the said justice shall neglect or refuse to pay over on demand, the money so received, to the plaintiff or his agent, such neglect or refusal shall be a misdemeanor in office, and if the amount of the judgment is not paid to the justice as aforesaid, he shall grant execution, if required by the plaintiff or his agent, thereupon, if for a sum not exceeding five dollars and thirty-three cents, forthwith; and for any further sum, after the time limited for the stay of the same; which execution shall be directed to the constable of the ward, district or township where the defendant resides, or the next constable most convenient to the defendant, commanding him to levy the debt or demand, and costs, on the defendant's goods and chattels, and by virtue thereof, shall within the space of twenty days next following, expose the same to sale by public vendue, having given due notice of the same, by at least three advertisements, put up at the most public places in his township, ward or district, returning the overplus, if any, to the defendant, and for want of sufficient distress, to take the body of such defendant into custody, and him or her convey to the common gaol of the county, and the sheriff or keeper of such gaol, is hereby directed to receive the person or persons so taken in execution, and him, her or them safely keep, until the sum recovered and interest thereon, accrued from the date of the judgment, together with costs, be fully paid, and in default of such keeping, to be liable to answer the damage to the party injured, as is by law provided, in case of escapes, or in case no goods and chattels can be found, and the defendant be possessed of lands or tenements, the plaintiff may wave imprisoning the defendant and proceed by a transcript to the prothonotary aforesaid: *Provided nevertheless,* That executions against executors or administrators shall only be for the assets of the deceased.

No judgment to defeat a freeholder's privilege, &c.

The justice to receive the amount of the judgment, &c.

Fee to be allowed for.

Penalty on the justice's refusal, &c.

When execution shall be issued.

Proceedings under.

Overplus to be returned to defendant.

For want of goods, defendant may be imprisoned.

Plaintiff may wave the imprisonment, &c.

Account to be stated in the docket, &c.

SECT. XII. *And be it further enacted by the authority aforesaid,* That on the delivery of an execution to any constable, an account shall be stated in the docket of the justice. And also on the back of the execution, of the debt, interest and costs, from which the said

1810.

What shall
be a dis-
charge to the
constable.

Penalty on
persons
neglecting
to serve the
same.

Appearance
to be within
eight days.

This act not
to affect in-
solvent
debtors.

Upon bonds,
&c. where
stay of exe-
cution is
waived, the
justice may
issue execu-
tion on ren-
dering judg-
ment.

Justices may
by consent
of parties
take cogni-
zance, &c.

constable shall not be discharged but by producing to the justice, on or before the return day of the execution, the receipt of the plaintiff or such other return as may be sufficient in law, and in case of a false return, or in case he does not produce the plaintiff's receipt on the return day, or make such other return as may be deemed sufficient by the justice, he shall issue a summons, directed for service to a constable, or to some other fit person, who shall consent to serve the same, and having so consented, by accepting of such process, shall be bound to execute the same, under a penalty of twenty dollars, to be recovered as other fines are recoverable by this act, but should not a constable or other fit person conveniently be found to serve the process as aforesaid, the justice shall direct it to a supervisor of the highways of the township, ward or district where such constable resides, whose duty it shall be to serve the same under the penalty aforesaid, commanding the said constable to appear before him on such day as shall be mentioned in the said summons, not exceeding eight days from the date thereof, and then and there shew cause why an execution should not issue against him for the amount of the first abovementioned execution, and if the said constable either neglects to appear on the day mentioned in such summons, or does not shew sufficient cause why the execution should not issue against him, then the justice shall enter judgment against such constable for the amount of the first abovementioned execution, together with costs, on which judgment there shall be no stay of execution, and upon application of the plaintiff or his agent, the said justice shall issue an execution against the constable for the amount of such judgment, which execution may be directed to any constable of the county, or other fit person accepting thereof, or to a supervisor as aforesaid, whose duty it shall be to execute the same: *Provided always*, That nothing in this act contained shall in any manner impair or alter the proceeding as heretofore established, with regard to insolvent debtors, and their discharge on a full surrender of their property.

SECT. XIII. *And be it further enacted by the authority aforesaid*, That in all bonds, bills or notes, wherein, by a special provision in writing for that purpose, is waived the stay of execution given by this act, any justice may, on application to him made, after such bond, bill or note becomes due, issue a summons or capias, as the case may be, and proceed to hear and determine the same as in other cases, and on judgment being rendered in favour of the plaintiff, he shall or may issue execution thereon without stay, nevertheless, that in case of judgments by default, the defendant shall at any time within twenty days thereafter, be entitled to a rehearing or appeal, agreeably to the provisions of the sixth and seventh sections of this act, although execution may have issued.

SECT. XIV. *And be it further enacted by the authority aforesaid*, That any justice of the peace shall take cognizance of any matter or thing made so by this act, for any sum exceeding one hundred dollars, if the parties voluntarily appear before him for that purpose, and shall proceed for the recovery thereof by entering judgment, if confessed, or if submitted to him, by reference; but no execution shall issue before the expiration of one year from the date of such

judgment, if the party defendant be a freeholder, or shall have entered special bail, and such judgments shall be prosecuted to recovery, as other judgments by this act are made recoverable. But if it shall afterwards appear, by due proof on oath or affirmation, that there is just cause to believe that any such judgment was confessed for the purpose, and with a view to defraud just creditors, it shall be the duty of the justice to transmit a certified transcript of his proceeding to the prothonotary of the proper county, who shall file the same for adjudication of the Court of Common Pleas, whose judgment thereon shall be final; and if on trial of the merits of the cause, it shall be found that the sum for which judgment was confessed, was not actually due at the time, both parties, if both shall have been privy to the fraud, shall each pay a fine equal to the amount of such fraudulent judgment. And also pay the reasonable costs and expenses of the party prosecuting, or in any case of inability to pay such fine and costs, shall be imprisoned for any time not exceeding six months; but if it shall appear on such trial that the judgment was just, the party prosecuting shall pay all the costs of suit, and the reasonable costs of the parties to such judgment.

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But no execution on to issue in such case, under one year.

When such judgment is confessed through fraud, &c.

And if fraud appears, the parties to be fined, &c.

SECT. XV. *And be it further enacted by the authority aforesaid,* That any person or persons who shall not within thirty days after written notice to him, her, or them, given of the payment of any judgment, together with costs, in his, her or their favour, before any Justice of the Peace, either by themselves or their agents, enter satisfaction on the docket or execution of the justice, they shall be subject to a penalty of one-fourth of the amount of the debt paid, for the use of the party aggrieved, except where one of the defendants, if there be more than one, shall, by a writing to be filed by him in the office of such justice, within fifteen days after the payment, forbid the plaintiff so to do.

Creditors to enter satisfaction.

Penalty for neglect, &c.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That it shall be the duty of each and every Justice of the Peace, in case of his resignation, or removal from office, and of his legal representatives, in case of the death of such Justice of the Peace, to deliver his docket, together with all the notes, bonds, accounts and papers in his possession, touching any judgment or suit entered thereon, to the nearest justice of the county: *Provided always,* That if any justice having resigned, or been removed, or the legal representatives of a deceased justice, shall choose to retain the said docket, he or they shall, on demand, deliver a certified transcript of any judgment, or proceedings in any suit therein, to the party or parties interested, under the penalty of one hundred dollars; to be recovered by the party aggrieved, in the same manner as debts of that amount are by law recoverable; and the Justice of the Peace to whom the said docket or transcript shall be delivered, shall issue process, and proceed thereon in the same manner, and with the like effect, as the said justice so having died, resigned, or having been removed, might have done if he had remained in office.

The docket of a deceased, &c. justice of the peace, to be delivered to the nearest magistrate.

Proviso.

SECT. XVII. *And be it further enacted by the authority aforesaid,* That if the party defendant shall not reside in the county where a judgment is had against him before a Justice of the Peace, the person in possession of the docket in which such judgment may be en-

Transcript from such docket to be granted, &c.

1810.

Fee allowed for.

Stay of execution, &c.

Constable to endorse the goods levied on the execution.

Said levy to be a lien for twenty days.

Form of bail bond.

Proceedings where the goods are not returned, nor the money paid.

An alias execution may issue, &c.

Constables to be liable, &c.

When a constable absconds, &c.

Appeal allowed.

Powers of justices to extend to

tered, on application to him made by the plaintiff or his agent, shall make out, certify, and deliver to such applicant, a transcript thereof; and also deliver all evidence in his possession connected therewith, for the fee of twenty-five cents, for the recovery of the amount thereof, with costs, before any Justice of the Peace in any county where the defendant may reside or can be found, as in cases originally brought before him; and the stay of the execution shall be counted from the original entry.

SECT. XVIII. *And be it further enacted by the authority aforesaid,* That in all cases where a constable levies on execution issued from a Justice of the Peace, he shall endorse the goods or chattels so levied on the execution, or a schedule thereto annexed, which levy shall be a lien on such chattels for twenty days after levying the same, and no longer: and the constable making such levy is hereby authorized and empowered to take a bail bond in the following or like words: viz. We A. B. and C. D. or either of us, are held and firmly bound unto E. F. constable, in the sum of _____ upon condition that the said A. B. shall deliver unto E. F. aforesaid, the following goods and chattels _____ on the _____ day of _____ at the house of _____ which is taken in execution at the suit of G. H. against A. B. or pay the amount of the said execution, with costs. Witness our hands and seals this _____ day of _____

But if the said defendant shall not deliver the chattels so specified in such bond, or pay the amount of such execution, the constable may then proceed to the sale of such goods or chattels so levied: *Provided,* The lien created by such levy be not expired; but should the lien be expired, the justice may issue an alias execution, which may be proceeded on as aforesaid, or the constable taking such bond may assign it to the plaintiff, who may recover the same before any Justice of the Peace, without stay of execution: *Provided always,* That any constable taking such bail shall be accountable to the plaintiff for the deficiency thereof, notwithstanding such assignment.

SECT. XIX. *And be it further enacted by the authority aforesaid,* That any constable who has or may hereafter give security agreeably to law, for the faithful performance of the duties of his office, and afterwards on neglecting or refusing to perform such duties, shall have judgment entered against him for such neglect or refusal, and on being prosecuted for the recovery of such judgment, becomes insolvent, abandons his country, or from any other reason it becomes impracticable for such judgment or judgments to be recovered from such constable as aforesaid; or where a constable makes such default and abandons his country before judgments are had against him, then, and in such cases only, the justice before whom the judgment or judgments stand unpaid, shall be and is hereby authorized and empowered to issue a scire facias, and proceed against such bail for the recovery of judgments had as aforesaid, in the manner that constables are now sueable; saving only the right of appeal to such sureties.

SECT. XX. *And be it further enacted by the authority aforesaid,* That the powers of Justices of the Peace shall extend to all cases

of rent not exceeding one hundred dollars, so far as to compel the landlord to defalcate or set off the just account of the tenant out of the same; but the landlord may wave further proceedings before the justice, and pursue the method of distress in the usual manner, for the balance so settled; but if any landlord shall be convicted, after such waiver in any court of record, of distraining for, and selling more than the amount of such balance, and of detaining the surplus in his hands, he shall forfeit to the tenant four times the amount of the sum detained: *Provided*, That no appeal shall lie in the case of rent, but the remedy by replevin shall remain as heretofore.

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cases of rent, &c.

Penalty on the landlord, &c.

Proviso.

SECT. XXI. *And be it further enacted by the authority aforesaid*, That no judge of any court within this commonwealth, shall allow any writ of certiorari to remove the proceeding had in any trial before a Justice of the Peace, until the party applying for such writ, shall declare on oath or affirmation before such judge, that it is not for the purpose of delay, but that in the opinion of the party applying for the same, the cause of action was not cognizable before a justice, or that the proceedings proposed to be removed are, to the best of his knowledge, unjust and illegal, and if not removed, will oblige the said applicant to pay more money, or to receive less from his opponent, than is justly due; a copy of which affidavit shall be filed in the prothonotary's office: *Provided*, That no judgment shall be set aside in pursuance of a writ of certiorari, unless the same is issued within twenty days after judgment was rendered, and served within five days thereafter: and no execution shall be set aside in pursuance of the writ aforesaid, unless the said writ is issued and served within twenty days after the execution issued.

No certiorari to issue until the applicant make oath, &c.

Certiorari to be issued within twenty days.

Said writ not to affect any execution, &c.

SECT. XXII. *And be it further enacted by the authority aforesaid*, That in all cases, either party shall have the privilege of removing the cause by writ of certiorari from before any justice, whose duty it shall be to certify the whole proceeding had before him, by sending the original precepts, a copy of the judgment and execution or executions, if any be issued: *Provided always*, That the proceedings of a Justice of the Peace shall not be set aside or reversed on certiorari for want of formality in the same, if it shall appear on the face thereof that the defendant confessed a judgment for any sum within the jurisdiction of a Justice of the Peace, or that a precept issued in the name of the commonwealth of Pennsylvania, requiring the defendant to appear before the justice on some day certain, or directing the constable to bring the defendant or defendants forthwith before him, agreeably to the provisions and directions contained in this act, and that the said constable having served the said precept, judgment was rendered on the day fixed in the precept, or on some other day to which the cause was postponed by the justice, with the knowledge of the parties; and that no execution issued by a justice shall be set aside for informality, if it shall appear on the face of the same, that it issued in the name of the commonwealth of Pennsylvania, after the expiration of the proper period of time, and for the sum for which judgment had been rendered, together with interest thereon and costs, and a day mentioned on which return is to be made by the constable, and that the

Proceedings on certiorari.

No proceedings of a justice to be set aside for want of form.

Precept to issue, &c.

And execution.

1810.

Cause to be
cognizable
before a jus-
tice.

Justice to
give a copy
of his pro-
ceedings
when called
on.

No certiorari
out of the Su-
preme Court,
to be availa-
ble, &c.

Of costs
where the
proceedings
of a justice
have been
removed,
&c.

Stay of exe-
cution to be
counted from
the original
judgment.

Persons
bringing
suits other
than as here-
in directed,
not to recov-
er costs.

cause of action shall have been cognizable before a Justice of the Peace; and that the judgment of the Court of Common Pleas shall be final on all proceedings removed as aforesaid, by the said court, and no writ of error shall issue thereon.

SECT. XXIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the justice, on demand, made either by the plaintiff or defendant, to make out a copy of his proceedings at large, and deliver the said copy duly certified by him, to the party requiring the same; and if on such demand, he shall refuse so to do, it shall be deemed a misdemeanor in office.

SECT. XXIV. *And be it further enacted by the authority aforesaid,* That no writ of certiorari issued by or out of the Supreme Court, to any Justice of the Peace, in any civil suit or action, shall be available to remove the proceedings had before such Justice of the Peace.

SECT. XXV. *And be it further enacted by the authority aforesaid,* That in all cases where the proceeding of a Justice of the Peace shall be removed by certiorari at the instance of the plaintiff, and the same be set aside by the court, and on a second trial being had before the same, or any other Justice of the Peace, if judgment shall not be obtained for a sum equal to or greater than the original judgment which was set aside by the court, he shall pay all costs accrued on the second trial before the Justice of the Peace, as well as those which accrued at the court before whom the proceedings have been set aside, including any fees which the defendant may have given any attorney, not exceeding four dollars, in such trial, together with fifty cents per day to the said defendant, while attending on the said court in defence of the proceedings of the said justice of the peace; and in cases where the proceeding of any justice of the peace shall be removed at the instance of the defendant, and be set aside by the court, and it shall appear that he attended the trial before the justice, or had legal notice to attend the same, and on a final trial being had as aforesaid, the plaintiff shall obtain judgment for a sum equal to or greater than the original judgment which was set aside by the court, he shall pay all costs accrued on the second trial before the justice of the peace, as well as those which accrued at the court before whom the proceedings have been set aside, including any fees which the plaintiff may have given to any attorney, not exceeding four dollars, to defend the proceedings of the justice, together with fifty cents per day, while attending at court on the same, which costs shall be recovered before any justice of the peace, in the same manner as sums of a similar amount are recoverable: and in such cases the legal stay of execution shall be counted from the date of the original judgment rendered by the justice of the peace, and the court shall, at the term to which the proceedings of justices of the peace are returnable in pursuance of writs of certiorari, determine and decide thereon.

SECT. XXVI. *And be it further enacted by the authority aforesaid,* That if any person or persons shall commence, sue, or prosecute any suit or suits, for any debt or debts, demand or demands, made cognizable as aforesaid, in any other manner than is directed by this act, and shall obtain a verdict or judgment therein, which, without

costs of suit, shall not amount to more than one hundred dollars, 1810,
 not having caused an oath or affirmation to be made before the ob-
 taining of the writ of summons, or *capias*, and having filed the same
 in the prothonotary's office of such county, that he, she, or they, so
 making oath or affirmation, did truly believe the debt due, or da-
 mages sustained, exceeding the sum of one hundred dollars, he, she,
 or they, so prosecuting, shall not recover costs in such suit, any law,
 usage or custom, to the contrary notwithstanding.

Unless an
 oath be first
 made, &c.

SECT. XXVII. Whereas doubts have been entertained with respect
 to the mode of recovering the forfeitures and penalties prescribed by
 the following acts, passed in the year one thousand seven hundred,
to wit, "An act against forcible entry," "An act against removing
 land marks," and "An act against defacing of charters," There-
 fore, *Be it enacted by the authority aforesaid*, That in all cases arising
 under the said acts, where the penalty is fixed, and the court not
 mentioned in which such penalties shall be recoverable, the same
 shall be prosecuted in the Court of Quarter Sessions of the county
 where the offence is committed, and warrants shall and may be is-
 sued by the justices of the peace respectively, to oblige the offender
 or offenders to find surety for his, her, or their appearance at the
 said court, and to be of good behaviour in the mean time, if neces-
 sary, and in default of such surety, to commit him, her, or them to
 the gaol of such county, to be dealt with according to law.

Certain pe-
 nalties to be
 recovered in
 the Courts of
 Quarter Ses-
 sions.

Surety, &c.,
 to be requir-
 ed.

SECT. XXVIII. *And be it further enacted by the authority aforesaid*,
 That the like jurisdictions and authorities vested by this act in the
 justices of the peace within this commonwealth, shall be, and they
 are hereby vested in each and every of the aldermen appointed with-
 in the city of Philadelphia, who shall in all cases, exercise all such
 powers, within the said city, which any justice of the peace may ex-
 ercise within any county in this state, and shall be entitled to like
 fees, and in all cases shall be under and subject to such limitations, re-
 strictions and provisions, as justices of the peace are in like circum-
 stances, subjected to by this act.

The jurisdic-
 tion of alder-
 men made
 similar, &c.

SECT. XXIX. *And be it further enacted by the authority aforesaid*,
 That the electors of each county, town, township, ward or district,
 which now is, or hereafter shall be in any of the counties within this
 commonwealth, shall annually, on the same day, and at the same
 place where they meet to choose supervisors of the highways, elect
 two reputable citizens in said township, ward or district, and return
 the names of the persons so elected, to the next Court of Quarter
 Sessions of the proper county, and the said court shall appoint one
 of them to be constable for the township, ward or district for which
 he was chosen, for one year from and after the time of his appoint-
 ment, if it should appear to the satisfaction of the court that he pos-
 sesses a freehold estate in his own right, clear of all incumbrances, of
 the value of one thousand dollars; or if he does not possess a free-
 hold estate as aforesaid, he may be appointed, if he shall become
 bound in an obligation to that amount, with at least one sufficient se-
 curity, to be approved of by the Court of Quarter Sessions, to be
 taken in the name of the commonwealth, by the clerk of the said
 court, for the just and faithful discharge of his said office, for which
 service said clerk shall receive no fee; and said obligation shall be

Two persons
 in each town-
 ship, &c., to
 be elected
 annually, as
 constables.

One of whom
 shall be ap-
 pointed by
 the Court of
 Quarter Ses-
 sions.

Must have a
 freehold, &c.

1810. held in trust for the use and benefit of all persons who may sustain injury from him in his official capacity, by reason of neglect of duty, and for the like purposes and uses as sheriffs' bonds are usually given; but if he does not possess a freehold estate as aforesaid, or enter the security as above required, or possessing a freehold as aforesaid, and refuses to take upon himself the office of constable, or if the electors in any town-ship, ward or district, shall neglect or refuse to return two citizens for the said office, as aforesaid, then and in either case, the court shall appoint another proper person, possessing a freehold estate of the value aforesaid, or who will give the security required, to serve as constable; and every person elected or appointed, or who shall be appointed by the court, and who may possess a freehold estate of the value abovementioned, and shall refuse or neglect to take upon himself the office of constable, or shall not procure a deputy to undertake the duties of said office, for whose conduct in the same he shall be responsible, shall be fined by the court in the sum of forty dollars: *Provided nevertheless*, That the said court shall, in all cases, give a preference to the person highest on the return, provided he can give the requisite security: and no person shall be permitted to serve as constable more than three years in any term of six years: and also, that no person shall be compelled to serve as constable more than once in every fifteen years in the same township, ward or district, excepting in the township of Tinnicum, in the county of Delaware; and that in procuring a deputy to discharge the duties of said office, or paying the penalty aforesaid, shall be considered equal to personal services: *Provided*, That nothing contained in this act shall be so construed as to interfere with any laws now in force respecting the city of Philadelphia, the township of the Northern Liberties and district of Southwark, or the township of Germantown, relating to the election of constables: *And provided also*, That the security to be given under the acts now in force for the appointment and regulation of constables, in the township of the Northern Liberties and the district of Southwark, and the township of Germantown, be, and the same is hereby increased to one thousand dollars, any law or laws to the contrary notwithstanding.

Penalty for refusing to serve.

Preference to be given to the highest in votes.

No person to be compelled to serve more than once in fifteen years, &c.

This law not to affect the city, &c.

Security, &c. to be given in the districts of Southwark and Germantown, increased.

Certain former laws repealed.

SECT. XXX. *And be it further enacted by the authority aforesaid*, That an act entitled "An act for better determining debts and demands under forty shillings, and laying aside the two weeks courts in the city of Philadelphia," passed May twenty-eighth, one thousand seven hundred and fifteen, and an act, entitled "An act for the more easy and speedy recovery of small debts," passed March first, one thousand seven hundred and forty-five, and an act entitled "An act to enlarge the summary jurisdiction of the justices of the peace in actions of debt or* demand, to sums not exceeding ten pounds," and to repeal an act, entitled "A supplement to an act for the more easy and speedy recovery of small debts," passed April eighth, one thousand seven hundred and eighty-five, and an act entitled "An act to extend the powers of the justices of the peace in this state," passed April nineteenth, one thousand seven hundred and ninety-four, and

"An act to continue in force for a limited time, the act entitled "An act to extend the powers of the justices of the peace in this state, and for other purposes therein mentioned," passed April fourth, one thousand seven hundred and ninety-eight, and so much of the act entitled "An act to incorporate the city of Philadelphia," passed the eleventh day of March, one thousand seven hundred and eighty-nine, as establishes the alderman's court in the said city, or of any other act or acts as recognizes, regulates or extends the powers or jurisdiction of said court," and an act entitled "An act for recovery of debts and demands not exceeding one hundred dollars, before a justice of the peace, and for the election of constables, and for other purposes," passed the twenty-seventh day of March, one thousand eight hundred and four, and an act entitled "An act to regulate the proceedings on certiorari, and for other purposes," passed the twenty-first of March, one thousand eight hundred and six, and an act entitled "A supplement to, and making perpetual, an act entitled "An act for the recovery of debts and demands not exceeding one hundred dollars before a justice of the peace, and for the election of constables, and for other purposes," be, and the same are hereby repealed.

SECT. XXXI. *And be it further enacted by the authority aforesaid,* That all judgments which may heretofore have been rendered against any executors or administrators of any deceased person, or bodies politic and corporate, before any justice of the peace, within any of the counties of this commonwealth, or alderman of the city of Philadelphia, agreeably to the provisions of the act entitled "An act for the recovery of debts and demands not exceeding one hundred dollars, before a justice of the peace, and for the election of constables, and for other purposes," and its supplements, shall be as good and valid in law, and be prosecuted to the recovery thereof as effectually, and to all intents and purposes, as though the said law had given justices jurisdiction in express terms.

SECT. XXXII. *And be it further enacted by the authority aforesaid,* That the act entitled "An act to regulate the proceedings on certiorari, and for other purposes," passed the twenty-first day of March, one thousand eight hundred and six, is hereby continued in force until the first day of May next and no longer; and from and after the said first day of May, this act shall be in force.

SECT. XXXIII. *And be it further enacted by the authority aforesaid,* That this act, together with the act entitled "An act to regulate arbitrations," passed in the present session, be published in certain newspapers in this commonwealth as the governor shall direct, on or before the fifteenth day of April next, and the expense thereof shall be paid out of any unappropriated money in the treasury, in the usual manner. (e)

Passed 20th March, 1810.—Recorded in Law Book No. XII. page 199.

(e) For a general view of the duties of Aldermen and Justices of the Peace, as they are prescribed in various laws, see the digest in this volume, under the title "Justices of the Peace."

The 50th section of the act in the text, refers specially to all the laws which had been previously enacted on the subject of the jurisdiction of Justices of the Peace, and which are now repealed—a retrospective view of them

Certain judgments recovered against executors, administrators, or bodies politic, declared valid.

The certiorari act extended to the first day of May next.

This and the act to regulate arbitrations, &c. to be printed in certain newspapers.

1810. would furnish no useful information. They may, however, be traced by any curious inquirer, under their proper dates, mentioned in the 30th section of this act, in the obsolete and repealed lists, prefixed to the respective volumes.

In what cases justices may bind to the peace and good behaviour. See vol. 1, page 5.

For their jurisdiction respecting runaway servants, see vol. 1, page 11; and in cases of complaint between master and apprentice, see vol. 1, page 310-11.

For their jurisdiction in cases of domestic attachment, see vol. 1, page 218.

Justices of the Peace may take recognizances, and bind over to the Sessions, in cases of misprision of treason, vol. 1, page 436.

No writ or process shall be served on any justice, for any thing done in the execution of his office, until notice be given in writing, containing the cause of action, &c. And he may tender amends within thirty days thereafter; or having neglected to tender amends, or having tendered insufficient amends, he may pay into court as much as he sees fit, &c. and in default of such notice, the plaintiff shall not recover, but the verdict shall be given for the justice with costs. Nor shall any such action be brought against the justice after six months after the act committed. Vol. 1, page 366.

In what manner justices shall pay over, and account for fines and forfeitures received by them, see vol. 2, page 85, and vol. 4, page 97.

No Justice of the Peace shall act as such, unless he shall reside within the limits of the district for which he was commissioned; no license for keeping a tavern or public house of entertainment, shall be granted to any person, either directly or indirectly, who at the same time holds a commission of the peace; and if any Justice or Alderman shall keep his stated office in any tavern or public house of entertainment, or any building appertaining thereunto, he shall for every such offence, on conviction, forfeit and pay fifty dollars, &c. Act of 22d February, 1802, vol. 3, page 420.

Districts laid out for the appointment of Justices of the Peace, throughout the state. Vol. 4, page 96.

Justices authorized to compromise assaults and batteries, on certain conditions. Vol. 4, page 319.

By act of 1st March, 1799, the jurisdiction of justices and aldermen is extended to actions for the recovery of damages for any trespass, wrong or in-

jury, done or committed against the real or personal estate of the plaintiff, in all cases where the damages shall not exceed twenty dollars, but not to extend to ejectment, replevins in case of actual distress, slander, real contracts for the sale of lands, &c. or actions for assault and battery, wounding or maiming, or for false imprisonment, and the mode of proceeding is regulated and prescribed. Vol. 3, page 354.

This act revived and made perpetual by act of 2d January, 1804, vol. 4, page 103.

And, by act of 21st March, 1806, in cases of damage, before any Justice of the Peace or Alderman, if either of the parties shall fail to appear on the return day of the precept, the justice, &c. having first ascertained that the precept was regularly served, by the oath or affirmation of the constable serving the same, shall proceed to appoint three reputable citizens, whose duty it shall be to inquire into the truth of the case, and upon view or otherwise, justly and truly to assess the damages, if any, which the plaintiff may have sustained, and make report, &c. and judgment shall be entered, and execution issue for the amount assessed, with costs, as in other cases. Vol. 4, page 326.

And, by act of 13th April, 1807, the jurisdiction of justices, in such cases of damage, is extended to the sum of fifty dollars, subject to all the provisions, rules, regulations and restrictions contained in the act of 1st March, 1799.

Further, by act of 4th April, 1809, all actions of *trover* and conversion, are declared to be cognizable before Justices of the Peace and Aldermen, to the amount of thirty dollars, subject to the same rules of procedure as are provided in and by the act of 1st March, 1799, but not to prevent any person from his remedy by action of replevin or detinue, as already regulated by law. (This volume, ante, page 62.)

There are but few reported cases on the subject of the jurisdiction of Justices of the Peace, and the few that are to be found, refer more particularly to the former laws which are repealed.—Some general principles, however, run through these cases, which are equally applicable to the act in the text.

Thus, with respect to the jurisdiction of justices, generally, it has been held, that they have jurisdiction when damages occasioned by the biting of a dog, have been ascertained by a reference; though the word "demands" is restrained to those which arise *ex contract*, and not *ex delicto*, *Weidimar v. Drissel*, Supreme Court, July, 1791. (MSS. Reports.) or where one indebted

ed for rent, gives a note for it, the justice will have jurisdiction.

So, a plaintiff before a justice, may waive a *tort*, and go for the money clearly due to him. *Finney v. M'Mahan*, Supreme Court, April, 1792, MSS. Reports.

A Justice of the Peace has no jurisdiction over an abstract question of right, though the parties agree to enter the action before him. His judgment must be for a sum certain. *Knight v. Wiltberger*, Supreme Court, December, 1804. MSS. Reports.

Where a justice gave judgment, under the act of 23th March, 1804, for a demand exceeding one hundred dollars, his proceedings were held to be nullities, although upon an appeal the defendant had pleaded in chief, and a verdict found against him for above one hundred dollars, on a trial on the merits. *Moore v. Watts*, Supreme Court, September, 1807. MSS. Reports.

For, want of jurisdiction may be taken advantage of in any stage of the cause. *Manhardt v. Soderstrom*, Supreme Court, March, 1806.

No justice ought to take cognizance of a cause which has been previously decided by another justice. 2 *Dallas*, 78—114.

Justices have no jurisdiction in trespass, when the damage exceeds fifty dollars; and although the summons be in debt or demand, yet if the evidence sent up, shews it was in trespass, judgment for a greater sum will be reversed. Thus, in *Dunn and Pool v. French*, on a *certiorari*, the proceeding before the magistrate was by summons, to answer a plea of debt or demand, not exceeding one hundred dollars, and the judgment was for twenty-nine dollars, seventy-six cents (before the jurisdiction in trespass was extended to fifty dollars) which, by the evidence sent up with the record, was rendered for the wrongful taking of the plaintiff's goods for a militia fine. This being assigned for error, the judgment was reversed. 2 *Binney*, 175.

The first section of the act in the text limits the jurisdiction of the justice, to the amount of one hundred dollars, in cases of contract, &c. And by the twenty-sixth section, persons bringing suits in any other than is directed by this act, shall not recover costs, &c.

On this point, the case of *Cooper v. Coats*, is applicable. A bond and warrant of attorney had been executed by the defendant for £.600. Before the judgment was entered up, he had paid so much of the money as reduced the sum really due, to less than £.10. And

the question stated for the opinion of the court, was, whether the plaintiff should be allowed costs?

Shippen, President. In the case of a sett-off, this rule with respect to costs, would be subject to great inconvenience; for as it happened this term, in *Coxe v. Bolten*, a sett-off of £. 60, might be given in evidence, though the plaintiff could never bring the matter to a trial before a justice; as it was not in his power to say whether the defendant would resort to an action, or take advantage of the defalcation.

The president afterwards delivered the opinion of the court to the following effect: We think this case comes within the express words of the act of assembly, declaring that costs shall not be recovered; and there is no evidence that the defendant has entitled himself to the benefit of the exception, by filing a previous affidavit of his belief that the debt exceeded £. 10. [Now one hundred dollars, and see section 26.]

It is not our meaning, however, when an action is brought for a sum above £. 10, [\$ 100,] and the defendant reduces it to less, by a sett-off, which he might, or might not, have pleaded, that, in such a case, the plaintiff is not entitled to costs. The reason and justice of the thing would then be clearly in his favour. Judgment for plaintiff, but without costs. 1 *Dallas*, 308-9.

[But as to a sett-off, not exceeding one hundred dollars, now see the seventh section of the act in the text; which has not yet received any judicial construction.]

By section 2, the justice is empowered, in certain cases, to issue a *summons*, or *warrant of arrest*, &c.

In *Pinchin v. Fry*, on a *certiorari*. By the return it appeared, that the defendant had been summoned to answer, *tomorrow*; that is, on the day succeeding the date of the summons, for a debt under *forty shillings*; that the matter in dispute was then referred to three men, who reported the sum of £.2.2s. 4d. due to the plaintiff; and that for the amount of this report the justice had entered judgment with costs.

It was moved to reverse the judgment—first, because the *summons* was returnable the next day, whereas the act of assembly requires there should be allowed a time not less than five, nor exceeding eight days,—and secondly, because the summons was to answer a debt under *forty shillings*, and the judgment was for a greater sum.

By the court. Let the judgment be reversed. 1 *Dallas*, 405.

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1810.

So, in *Liberty v. Dawson*, which originated before a justice of the peace, who gave judgment for *Dawson*, the plaintiff below, upon a warrant of attorney, without issuing either a summons, or a *capias*. The judgment was affirmed in the Common Pleas, on a *certiorari*; and on removal by writ of error to the Supreme Court, the proceeding without summons or *capias* was assigned for error.

Shippen, C. J. A limited authority, such as is given to justices of the peace, must be strictly pursued. They cannot interfere officially in a civil controversy without pursuing the steps pointed out by the act.

Smith, J. It has always been held, that if the proceeding was neither by summons nor *capias*, it was irregular. Judgment reversed. 1 *Binney*, 105-6.

By sect. 3. If the parties appear, the justice shall proceed to hear their proofs and allegations, &c.

In *Sharpe v. Thatcher*, the justice gave judgment upon the evidence of the plaintiff alone, who was qualified to the truth of his account.

The court held, that a judgment given, merely on the attestation of the party interested, could not be sustained; and the judgment was reversed. 2 *Dallas*, 78.

So, in *Vansciver v. Bolton*, on a *certiorari* to remove the judgment of a justice of the peace, as cause for reversing the judgment, it was shewn by the defendant's affidavit, that the debt had been proved before the justice by the plaintiff's oath alone. On the other side, it was objected this was not sufficient, as plaintiff might have sworn to his books; and at all events, the exception to the judgment cannot be supported by the mere shewing of the defendant's affidavit.

McKean, C. J. The oath of the interested party cannot singly be admitted to maintain his demand: Nor is it merely upon a plaintiff's oath, that an original entry in his books is received in our courts as evidence; since that when allowed its utmost latitude, proves nothing more than a sale and delivery of the goods.

With respect to the mode of establishing the exception to the judgment, the affidavit of the defendant, though not conclusive, must at least be deemed sufficient, for throwing the *onus probandi*, if other evidence was produced, upon his adversary. 2 *Dallas*, 114-15.

Sect. 5. Special bail shall be taken in case of appeal, &c.

Ploewman v. Abrams, on a *certiorari*. It appeared by the proceedings returned, that *Ploewman*, the defendant, before

the justice, had appealed to the Common Pleas, and entered security agreeably to the act of assembly; but on a certificate from the prothonotary that the appeal was not filed, the justice issued an execution against the defendant.

A motion was made to quash the execution.

And, by the Court;—After appeal, and security given, the justice cannot issue an execution against the original defendant, but must proceed against the bail upon the recognizance. Therefore let the proceedings of the justice be set aside, as far as respects the execution, with costs. 1 *Dallas*, 116-17.

By sect. 9, stay of execution is directed in particular cases, where the defendant is a freeholder, or gives special bail, &c.

In *Mann v. Alberti*, judgment was rendered by an alderman of the city against the defendant, on the 22d July, 1805, and after the expiration of twenty days, but before execution had issued, the defendant offered to enter special bail, to obtain a stay of execution for nine months agreeable to the act, the sum exceeding sixty dollars. The alderman refused to take the bail, and on the 1st November, 1805, issued execution.

Tilghman, C. J. Some time in the month of August, more than twenty days after judgment, the defendant appeared before the alderman, and offered to enter special bail. The sufficiency of the bail was not objected to, but the alderman refused to take it, because more than twenty days had elapsed from the date of the judgment. An execution was issued, November 1st, 1805, and the defendant excepts to it, as having been illegally issued. It depends on the act commonly called the hundred dollar act. By the fourth section, twenty days, after judgment, are given for either party to appeal. By the ninth section it is declared, that in all cases, &c. [See the 9th section of the act in the text, which is the same, as is also the fourth section, as the act of 28th March, 1804, under which this decision was had.]

The stay of execution was intended solely for the benefit of the defendant; and it is not said within what time the bail shall be entered. But as no more than twenty days are allowed for an appeal, there is nothing to prevent the plaintiff from taking out an execution, if the bail is not entered within twenty days. In the case before us, the plaintiff did not apply for an execution at the end of the twenty days, and before he did apply, the defendant offered good

bail, which was refused. If the bail had been taken when offered, the plaintiff would have derived as much benefit from it, as if it had been entered within twenty days. I can see nothing in the act which prevents the entry of bail after twenty days, if an execution has not been taken out; and without an express provision for that purpose, I think the defendant ought not to be deprived of the stay of execution.

I am therefore of opinion, that the alderman acted improperly in refusing the bail, and issuing an execution. It follows, that the execution must be set aside. The judgment must be affirmed, no objection having been made to it.

Yeates, J. dissented, but Brackenridge, J. concurred with the chief justice, and the judgment was affirmed, and execution set aside. 2 *Binney*, 195.

The 10th section of the act in the text, is made to correspond with the decision in *Drum v. Snyder*, administrator of Selin, in error, in which it was held, under the twenty pound act of April, 1794, that the record of a judgment by a Justice of the Peace, still remains before him, and may be the foundation of a *scire facias*, after a transcript has been filed in the Common Pleas. 1 *Binney*, 381.

The court will not presume any thing against the proceedings of a Justice of the Peace—So, where a defendant, being a frecholder, and craving a stay of execution after judgment, he waives any error in the service of the summons (*semb.*) *Gibbs & Co. v. Alberti*. Supreme Court, March, 1807. (MSS. Reports.)

1810.

CHAPTER MMMCCL.

An ACT to amend the act, entitled “An Act for incorporating the society known by the name and style of the Philadelphia Contributionship for the insuring of Houses from loss by Fire, to ratify and confirm the articles of agreement of the Contributors, and to enable them to make suitable by-laws, for the better management and prosecution of their said design.” [Vol. 1, p. 279.]

SECT. 1. [DIRECTORS of the Philadelphia contributionship empowered to lend money upon mortgage, &c. 2. Part of the fourth section of the act incorporating said society, repealed. 3. Part of the sixth section of said act, repealed. 4. Part of the eighth section, repealed. 5. The company not to issue notes, &c. after the manner of any bank.]

Passed 20th March, 1810.—Recorded in Law Book No. XII. page 215.

CHAPTER MMMCCLI.

An ACT granting to John Woods, a certain piece of land therein mentioned.

SECT. 1. [CERTAIN lots granted to John Woods. How valued. And to be paid for in four yearly instalments. Patent to issue for the same.]

Passed 20th March, 1810.—Recorded in Law Book No. XII. page 216. Post.

CHAPTER MMMCCLII.

1810.

An ACT erecting certain election districts, and making alterations in other districts, in certain counties within this commonwealth.

Of election
districts, &c.
in Lancaster
county.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, Colerain township, in Lancaster county, shall be erected into a separate election district, and the electors thereof shall hold their elections at the house now occupied by William Barclay, innkeeper, in said township.

In Philadel-
phia county.

SECT. II. *And be it further enacted by the authority aforesaid, That* from and after the passing of this act, the electors of Oxford township, Philadelphia county, shall hold their general elections at the house now occupied by Mahlon Dungan, in the borough of Frankford, and town aforesaid.

In Washing-
ton county.

SECT. III. *And be it further enacted by the authority aforesaid, That* from and after the passing of this act, the electors of Hill's district, Washington county, shall hold their general elections at the house now occupied by John Berry, at the intersection of the Washington and Pittsburgh roads, in said district.

In Somerset
county.

SECT. IV. *And be it further enacted by the authority aforesaid, That* from and after the passing of this act, the electors residing in Brothers-Valley, and part of Stoney-Creek townships, in the county of Somerset, which form an election district, shall hold their general elections at the house of Peter Glassner, in the town of Berlin, being the same house where the elections for said district were formerly held.

In Lycoming
county.

SECT. V. *And be it further enacted by the authority aforesaid, That* from and after the passing of this act, the electors of Burlington township, being the seventh election district, Lycoming county, shall hold their general elections at the house now occupied by Mary Goddard, in said district.

In part of
Delmar
township,
Tioga coun-
ty.

SECT. VI. *And be it further enacted by the authority aforesaid, That* from and after the passing of this act, that part of the township of Delmar, in the county of Tioga, which is included within the following lines : on the north, by the line of the state of New-York, on the east, by the eastern line of Tioga township, on the south, by a line running from the said Tioga township line due west, through the centre of said Delmar township, until it intersects the eastern line of Potter county ; thence north, by and with said county line, to the line of the state of New-York, the place of beginning ; shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Israel Buckley, on the Cawanesque creek, in said district.

In Lycoming
county.

SECT. VII. *And be it further enacted by the authority aforesaid, That* from and after the passing of this act, the electors of Clifts-burgh election district, Lycoming county, shall hold their general elections at the house now occupied by William Farman.

In Luzerne
county.

SECT. VIII. *And be it further enacted by the authority aforesaid, That* from and after the passing of this act, Canton township, Luzerne county, shall be erected into a separate election district, and

the electors thereof shall hold their general elections at the house now occupied by Joseph Wallace, in said township. 1810.

SECT. IX. *And be it further enacted by the authority aforesaid,* In Armstrong county. That from and after the passing of this act, Plum-Creek township, Armstrong county, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by John Thomas, in said township.

SECT. X. *And be it further enacted by the authority aforesaid,* Same. That from and after the passing of this act, the electors of the township of Allegheny, in Armstrong county, shall hold their general elections at the house now occupied by William Watson, in said township.

SECT. XI. *And be it further enacted by the authority aforesaid,* Same. That from and after the passing of this act, the electors of Red-bank township, Armstrong county, shall hold their general elections at the house now occupied by John Slow, in said township.

SECT. XII. *And be it further enacted by the authority aforesaid,* In Beaver county. That from and after the passing of this act, North Beaver township, Beaver county, be, and is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by John Dunning, in said township; and that the parts of Big Beaver and Little Beaver townships which lie north of the present Greensburg district, shall be attached to and be a part of the Greensburg election district, and that the following bounds shall be an election district: running from the Ohio state line along the Georgetown election district, to the head of Wolf Run; and from thence a straight line to the house of Christopher Worman, included, to the line of Greensburg district; then along the said line to the state line, and along the state line to the place of beginning: and the electors thereof shall hold their general elections at the house now occupied by Noble Koyl.

SECT. XIII. *And be it further enacted by the authority aforesaid,* In Erie county. That from and after the passing of this act, the electors of the eighth election district of Erie county, shall hold their general elections at the house now occupied by Henry Burghart, in said district.

SECT. XIV. *And be it further enacted by the authority aforesaid,* In Mercer county. That from and after the passing of this act, the electors of Sandy-Lake township, Mercer county, shall hold their general elections at the house now occupied by William Perrine, in said township.

SECT. XV. *And be it further enacted by the authority aforesaid,* Same. That from and after the passing of this act, the electors of Wolf creek township, Mercer county, shall hold their general elections at the mill now occupied by Robert Glenn, in said township.

SECT. XVI. *And be it further enacted by the authority aforesaid,* In Chester county. That from and after the passing of this act, the electors of the fourth election district of Chester county, shall hold their general elections at the house of John Black, in the township of Westfallfield, in said county, commonly known by the name of the Gumtree Tavern, and now occupied by William Gilliland.

SECT. XVII. *And be it further enacted by the authority aforesaid,* Same. That from and after the passing of this act, the townships of West-Bradford and Newlin, Chester county, shall be a separate election

1810. district, to be numbered twelve, in said county, and the electors thereof shall hold their general elections at the house now occupied by James Chamberlain, in the village of Marshalton, in said district.
- In Crawford county. SECT. XVIII. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the electors of Oil-Creek township, Crawford county, shall hold their general elections at the house now occupied by John Kerr, in said district.
- Same. SECT. XIX. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the electors of Sadsburg township, Crawford county, shall hold their general elections at the house now occupied by James Birtch, in said township.
- In Northumberland county. SECT. XX. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, Augusta township, Northumberland county, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Jacob Reaker, in said township.
- In Northampton county. SECT. XXI. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, Moore township, Northampton county, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by George Greber, in said township.
- In Crawford county. SECT. XXII. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the electors of Wayne township, Crawford county, shall hold their general elections at the house now occupied by Abraham Kightlinger, in said township.
- In Bucks county. SECT. XXIII. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the electors of the townships of Warwick, Warminster and Warrington, Bucks county, shall hold their general elections at the house now occupied by William Hart, at the Cross-Roads, in the township of Warwick.
- Same. SECT. XXIV. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the township of Lower-Makefield, Bucks county, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Jacob Chapman, in said township.
- Same. SECT. XXV. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the township of Haycock, Bucks county, shall be a separate election district, and the electors thereof shall hold their general elections at the house of Mary Straun, in said township.
- In Allegheny county. SECT. XXVI. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the electors of Deer township, Allegheny county, shall hold their general elections at the house belonging to Felix Negley, late in the tenure of John Frazer, in said township.
- In Butler county. SECT. XXVII. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the electors of Butler, Centre, Donegal and Clearfield townships, Butler county, shall hold their general elections at the court-house in the town of Butler.
- In Erie county. SECT. XXVIII. *And be it further enacted by the authority aforesaid,* That the electors within the thirteenth election district, in the coun-

ty of Erie, be, and they are hereby annexed to the sixth election district, and to hold their general elections in the town of Waterford, and that the act passed the fourth day of April, one thousand eight hundred and nine, to erect Beaverdam township, in the county of Erie, into a separate election district, is hereby repealed. 1810.

SECT. XXIX. *And be it further enacted by the authority aforesaid,* In Luzerne county. That the township of Newport, in the county of Luzerne, be, and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Christian Stout, in said township.

SECT. XXX. *And be it further enacted by the authority aforesaid,* In Mercer county. That the electors of Mahoning township, in the county of Mercer, shall hold their general elections at the house now occupied by Henry Robeson, in said district.

SECT. XXXI. *And be it further enacted by the authority aforesaid,* Repealing section. That any law hereby altered, be, and the same is hereby repealed.

Passed 20th March, 1810.—Recorded in Law Book No. XII. page 219.

CHAPTER MMMCCLIII.

An ACT authorizing the judges of the Supreme Court to establish return days.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the judges of the Supreme Court be, and they are hereby authorized to appoint special return days in the courts, in bank, in each and every district of the Supreme Court, at fixed periods, in term time, or in vacation, as by them shall be deemed expedient for the convenience of suitors and the furtherance of justice, and the days and times so appointed, as return days shall be entered of record, by the prothonotaries of the said courts respectively, and shall thereafter be deemed legal return days in the said courts respectively. The judges of the Supreme Court to appoint special return days.

Passed 20th March, 1810.—Recorded in Law Book No. XII. page 217.

CHAPTER MMMCCLV.

An ACT to authorize the governor to appoint commissioners for the purpose of laying out a road from the town of Washington to the state line, in a direction toward Wheeling, in the state of Virginia, at or near William Stator's, where the present road crosses the same.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That

1810. Commissioners to be appointed to lay out a road from Washington, in a direction towards Wheeling, to the line of the state. the governor be, and he is hereby authorized to appoint three disinterested commissioners, one of whom shall be a practical surveyor, but neither of them shall be an inhabitant of either of the townships, through which said road passes, to lay out and mark a state road, beginning at the town of Washington, in the county of Washington, the nearest and best route to the state line, at or near the house of William Slator, where the present road crosses the same, in a direction towards Wheeling; and the said commissioners shall proceed to perform the said service at such time as the governor shall direct, and deposit a draft of the said road in the office of the clerk of the Quarter Sessions of the county of Washington, which shall be a record of said road, and from thenceforth shall be to all intents and purposes a public highway, and shall be opened and kept in repair, as other roads laid out by order of the Court of Quarter Sessions are in the said county.

SECT. 2. [Compensation allowed for said service.]

Passed 20th March, 1810.—Recorded in Law Book No. XII. page 218.

A C T S

OF THE

General Assembly of Pennsylvania.

Passed at a session which commenced the 2d day of December, 1810, and ended the 2d day of April, 1811.

SIMON SNYDER, GOVERNOR.

PRESLY CARR LANE, SPEAKER OF THE SENATE.

JOHN WEBER, SPEAKER OF THE HOUSE OF REPRESENTATIVES.

1810.

CHAPTER MMMCCLVI.

An ACT to change the name of John Harris Pugsley, to John Levett Harris.

Passed 22d December, 1810.—Recorded in Law Book No. XII. page 230.

CHAPTER MMMCCLVII.

A further SUPPLEMENT to the several acts providing for the erection of houses for the employment and support of the poor, in the counties of Chester, Lancaster, and Montgomery, so far as respects the counties of Chester and Montgomery.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* in addition to the duties enjoined upon the directors of the poor of the counties of Chester and Montgomery, they shall annually publish in the newspapers of their respective counties, for the information of the citizens thereof, a full and detailed statement of the receipts and expenditures on account of the said institutions respectively. The directors of the poor for the counties of Chester and Montgomery, directed to publish detailed statements, &c.

SECT. II. *And be it further enacted by the authority aforesaid, That as soon as may be practicable, after the passing of this act,* The number of directors for the counties

1810.
 ty of Chester
 to be reduced
 to three.
 Salary to be
 forty dollars
 per annum
 each.
 Additional
 compensa-
 tion for at-
 tending suits,
 &c.

the number of directors for the county of Chester shall be reduced to three, that is to say, there shall be but one chosen in each year hereafter, and as soon as their number is so reduced, any two of them shall be a quorum for transacting the business of the corporation, and their salary shall be forty dollars each, per annum, and no more: *Provided nevertheless*, That if any director shall be obliged to attend on any suit or action where the corporation is a party, the said director shall be entitled to, and receive one dollar and thirty-three cents for every day he shall necessarily attend on such suit or action, and that no director shall receive pay except in proportion to the days he shall attend, according to the adjournment of the board or the class to which he shall belong.

Office of treas-
 urer abol-
 ished.

SECT. III. *And be it further enacted by the authority aforesaid*, That from and after the thirty-first day of December next, the office of treasurer of the said institution shall be abolished, and the duties of clerk to the corporation shall be performed by the steward of the house, and his salary including the matron's shall not exceed the sum of four hundred dollars per annum; and all monies appropriated for the use of said establishment, shall be paid by the county treasurer, only on orders drawn on him by the directors thereof, any thing in any former law or laws to the contrary notwithstanding.

Passed 22d December, 1810.—Recorded in Law Book No. XII. page 230.

CHAPTER MMCCCLVIII.

An ACT empowering certain trustees therein named to sell a tract of land in Tioga county, together with a lot of ground in the borough of Lancaster, and to appropriate the monies arising therefrom to the purposes therein mentioned.

SECT. 1. [TRUSTEES of the Presbyterian congregation in the borough of Lancaster, authorized to sell certain lands. Legal rights of others secured; proceeds of the sales to be appropriated agreeably to the directions of a majority of the members of the congregation.]

Passed 22d December, 1810.—Recorded in Law Book No. XII. page 231.

CHAPTER MMCCCLXI.

An ACT to authorize the trustees of the Methodist Episcopal congregation in the town of Washington, to convey a certain lot of ground therein mentioned.

SECT. 1. [JAMES CHAMBERS and others, trustees of the Methodist Episcopal church empowered to convey the right of the said church in a certain lot to John Hoge, in consideration of another lot to be conveyed by said Hoge, for the use of the church.]

Passed 5th January, 1811.—Recorded in Law Book No. XII. page 233.

CHAPTER MMMCCLXII.

1811.

An ACT to authorize the directors of the poor of Dauphin county to sell certain real property therein mentioned.

WHEREAS it appears to the legislature, that in pursuance of two several acts of the general assembly of this commonwealth, one of which was passed on the twenty-eighth day of March, in the year of our Lord, one thousand eight hundred and six, and the other, on the fourth day of March, in the year following, a plantation or tract of land situate in Swatara township, in Dauphin county, was purchased by the directors of the poor of said county, for the purpose in the said acts mentioned, on which said tract of land there is a grist mill erected; and whereas it appears that a considerable portion of the purchase money of said tract of land is yet unpaid by the said directors, and that the rents and profits of the said mill are insufficient to discharge the interest annually accruing on the same: Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the directors of the poor of Dauphin county be authorized to sell, either at auction or by private sale, the mill aforesaid, together with such part of said plantation or tract of land, not to exceed twenty-five acres in the whole, and also together with such right to the use of the said stream turning the said mill, as the said directors may deem necessary, to the reasonable use and enjoyment of the same, and to apply the proceeds of such sale to the payment of such part of the purchase money as yet remains unpaid.

Directors of the poor of Dauphin county authorized to sell a mill, &c.

Mode of applying the proceeds thereof.

SECT. II. *And be it further enacted by the authority aforesaid, That* the directors be authorized and empowered to execute such deed of assurance to the purchaser or purchasers of the said premises, as will be sufficient in law to vest the title to the said premises in the purchaser or purchasers of the same.

Authorized to make a good title to the purchasers, &c.

Passed 5th January, 1811.—Recorded in Law Book No. XII. page 234.

CHAPTER MMMCCLXIII.

An ACT to authorize the continuance of the Court of Quarter Sessions of the Peace for the county of Cumberland, beyond the time to which the said court is now restricted.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the judges of the Court of Quarter Sessions of the Peace, for the county of Cumberland, shall be, and they are hereby authorized and empowered to continue the sessions of the said court during the whole term of the Court of Common Pleas of said county, or so many days thereof as they may deem necessary to finish the business in the said Court of Quarter Sessions, any former law to the contrary notwithstanding.

Judges of the Quarter Sessions for the county of Cumberland authorized to extend the time of the sessions.

Passed 5th January, 1811.—Recorded in Law Book No. XII. page 235.

1811.

CHAPTER MMMCCLXIV.

[Vol. 2, pa.
412. Vol 3,
pa. 306.]

A SUPPLEMENT to the act, entitled "An act for incorporating the society formed for the relief of distressed and decayed pilots, their widows and children."

SECT. 1. [TRANSFERS of property, belonging to the society for the relief of decayed pilots, &c. to be made by a majority of the managers. Releases, acquittances, mortgages, &c. to be executed by a majority of them.—May empower the treasurer to record acknowledgments, &c. Treasurer liable to a penalty for neglect, to be recovered as other penalties are by law recoverable. 2. Five managers to constitute a quorum. 3. Parts of a former act repealed.]

Passed 5th January, 1811.—Recorded in Law Book No. XII. page 235.

CHAPTER MMMCCLXV.

An ACT granting an annuity to William Kernichon, for life.

SECT. 1. [DONATION of forty dollars to William Kernichon. An annuity of forty dollars to be paid to John Hough, for the use of William Kernichon. In what manner to be expended. Annual report thereof to be made to the Orphans' Court.]

Passed 23d January, 1811.—Recorded in Law Book No. XII. page 236.

CHAPTER MMMCCLXVI.

An ACT to incorporate the Governor's Creek Meadow Company.

SECT. 1. [ISAAC IVANS, *et al.* declared to be a body politic, by the name of "The Governor's Creek Meadow Company," with the necessary corporate privileges. 2. Each member of the company to bear his proportion of expense, and keep drains open at their own expense. 3. General meetings to be held annually on the last Saturday in December. 4. Three trustees to be elected at the annual meeting to examine and settle the accounts of their predecessors. In case of disagreement to be settled by reference. 5. Present trustees named and their duties prescribed. 6. Limitation of the law, forty years.]

Passed 23d January, 1811.—Recorded in Law Book No. XII. page 237.

CHAPTER MMMCCLXVIII.

An ACT granting an annuity to Jacob Dodridge, for life.

SECT. 1. [DONATION of forty dollars granted to Jacob Dodridge, and forty dollars annuity, payable half yearly to Daniel

Udree for his use. How to be appropriated. Annual report to be made to the Orphans' Court.] 1811.

Passed 23d January, 1811.—Recorded in Law Book No. XII. page 238.

CHAPTER MMMCCLXIX.

An ACT to dissolve the marriage contract of Philip J. G. De Franqueen and Elizabeth his wife, and to legitimate the son of the said Elizabeth, with Joseph Gorgan Le Clerc.

Passed 23d January, 1811.—Recorded in Law Book No. XII. page 239.

CHAPTER MMMCCLXXI.

A SUPPLEMENT to the acts entitled "An act to afford immediate relief to John Hutton a soldier in the revolutionary war, and to grant him an annuity," and "An act affording immediate relief to Michael Mullin, and granting him an annuity."

SECT. 1. [ANNUITY of forty dollars to be paid to Amos Jourdan, &c. and to be appropriated to the use of John Hutton. Account to be rendered to the Orphans' Court annually. 2. Annuity granted to Michael Mullen, to commence from the first day of February, one thousand eight hundred and ten.]

Passed 23d January, 1811.—Recorded in Law Book No. XII. page 241.

CHAPTER MMMCCLXXII.

An ACT enabling a committee appointed by the Supreme Court to sell and dispose of the real estate of Jacob Palmer, a lunatic.

SECT. 1. [JOHN B. PALMER and Frederick Heisz authorized to sell the real estate, or part thereof, of Jacob Palmer, a lunatic, for his support. Proviso, that they give security for the faithful discharge of their trust.]

Passed 23d January, 1811.—Recorded in Law Book No. XII. page 241.

CHAPTER MMMCCLXXIII.

A further SUPPLEMENT to the act, entitled "An act for offering compensation to the Pennsylvania claimants of certain lands in the seventeen townships in the county of Luzerne, and for other purposes therein mentioned." [Vol. 2, p. 362, 435.]

SECT. I. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly

1811.

Any Connecticut settler in the seventeen townships, Luzerne county, at liberty to pay the whole of the purchase money, &c.

met, and it is hereby enacted by the authority of the same, That any Connecticut settler, his, her or their legal representative or representatives, holding lands under the act entitled "An act for offering compensation to the Pennsylvania claimants of certain lands in the seventeen townships in the county of Luzerne, and for other purposes therein mentioned," passed the fourth day of April, one thousand seven hundred and ninety-nine, who may have received, or shall hereafter receive patents for the same, agreeably to the directions of said act, or the supplement thereto, passed the fourth day of April, one thousand eight hundred and five, shall be at liberty at the time of receiving his, her or their patent or patents, to pay the whole of the purchase money and interest due, or at any time before the day or days of payment of the respective instalments, he, she or they shall be at liberty to pay the whole, or any number of the instalments, due, or to become due, with interest on the principal sum due at the time of said payment.

Patent to be recorded within a limited time, &c.

Proviso.

SECT. II. *And be it further enacted by the authority aforesaid,* That if any Connecticut settler, his, her or their legal representative or representatives, by neglect or otherwise, shall have omitted, or shall hereafter omit to get so much of his, her or their patent or patents recorded in the proper county, as is required by said supplement, but shall within the time in which the last instalment becomes due, pay the whole principal and interest due on the land for which such patent may have been given, then in that case the said patent shall be valid, but not otherwise: *Provided,* That nothing herein contained shall be so taken in anywise to affect the patent made out in the name of John Shepard and Benjamin Dorrance, for the greater part of Claverack township, now detained in the office of the secretary of the commonwealth, on account of some supposed irregularity in said patent.

Persons holding certificates who do not apply before the first of Nov. 1812, for a patent, and secure the payment of the valuation by mortgage, shall be liable to pay interest, &c.

SECT. III. *And be it further enacted by the authority aforesaid,* That in case any Connecticut settler, his, her or their legal representative or representatives, holding a certificate or certificates granted under the act of the fourth of April, one thousand seven hundred and ninety-nine, entitled "An act for offering compensation to the Pennsylvania claimants, of certain lands in the seventeen townships in the county of Luzerne, and for other purposes therein mentioned," or under the several supplements thereto, shall not make application to the land-office on or before the first day of November, one thousand eight hundred and twelve, for a patent, paying the office and surveying fees, and also paying or securing by mortgage the payment of the valuation made on the lands so certified agreeably to the provisions of the further supplement to the act, entitled "An act for offering compensation to the Pennsylvania claimants of certain lands within the seventeen townships in the county of Luzerne, and for other purposes therein mentioned," passed the fourth day of April, one thousand eight hundred and five, or of this act, then it shall be the duty of the secretary of the land-office to ascertain the amount of the principal and interest due on said land, on the said first day of November, one thousand eight hundred and twelve, and upon the aggregate amount so found due, it shall be his duty to charge interest until the debt shall be discharged.

SECT. IV. *And be it further enacted by the authority aforesaid,* 1811.
 That in case any Connecticut settler, his, her or their legal representative or representatives holding a certificate or certificates for lands granted in pursuance of an act, entitled "An act for the purpose of adjusting the titles to lands in Bedford and Ulster townships in Luzerne and Lycoming counties," passed the nineteenth of March, one thousand eight hundred and ten, shall not make application to the land-office for a patent within two years from the date of the certificate or certificates so as aforesaid held, as is directed by the before mentioned act, then the secretary of the land-office shall add the interest which may have become due at the end of two years as aforesaid, to the principal, and on the aggregate amount, interest shall be charged by the said officer until the debt shall be paid.

Persons holding certificates for land in Bedford and Ulster townships, to make application for patents within two years, &c.

Passed 23d January, 1811.—Recorded in Law Book No. XII. page 242.

CHAPTER MMMCCLXXVII.

An ACT to confirm the proceedings in a certain Writ of Partition sued out by Thomas Shipley, against John Shipley and others.

SECT. 1. [WRIT of partition sued out by Thomas Shipley against John Shipley and others, in the Common Pleas of Philadelphia county, validated.]

Passed 6th February, 1811.—Recorded in Law Book No. XII. page 245.

CHAPTER MMMCCLXXVIII.

An ACT to enable the governor to incorporate a company to make an artificial road from the Court House in the borough of Gettysburgh, to Black's tavern in Adams county.

SECT. 1. [JOHN EDIE and others appointed commissioners to take subscriptions for making a turnpike road from Gettysburgh to Black's tavern. Price of shares one hundred dollars. Notice to be given of the time and place of opening the books. Two of the commissioners to attend. Books to be closed when three hundred shares are subscribed. Proviso. 2. When thirty persons or more shall have subscribed two hundred shares, the governor authorized to incorporate the company by the name of "The President, Managers and Company of the Gettysburgh and Black's tavern turnpike road," with the usual powers. When the capital stock may be enlarged. 3. Commissioners to give twenty days notice of the time for organizing the company. One president, six managers, treasurer and other officers to be chosen by ballot; authorized to make by-laws, &c. under certain restrictions, and the company to enjoy similar powers, &c. subject to similar restrictions with those of the Susquehanna and York borough turnpike road. Limitation.]

Passed 6th February, 1811.—Recorded in Law Book No. XII. page 246.

1811.

CHAPTER MMMCCLXXIX.

An ACT to ratify on behalf of the state of Pennsylvania, a proposed amendment of the constitution of the United States, relative to titles of nobility, or honour, presents, pensions, offices and emoluments from any foreign power.

A proposed amendment to the constitution of the United States, relative to titles of nobility, &c. ratified on behalf of this state.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the following amendment of the constitution of the United States, proposed by the congress of the United States, in the mode prescribed by the fifth article of the constitution; viz. "If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honour, or shall without the consent of congress, accept and retain any present, pension, office or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit, under them, or either of them;" be, and the same is hereby ratified on behalf of the state of Pennsylvania, to become, when ratified by the legislatures of three-fourths of the several states, part of the constitution of the United States.*

Passed 6th February, 1811.—Recorded in Law Book No. XII. page 249.

CHAPTER MMMCCLXXX.

An ACT to enable the governor to incorporate a company to make an artificial road from the south side of Michael Geiselman's mill, adjoining the town of Berlin, in the county of Adams, through Abbotstown to Hanover, in York county.

SECT. 1. [SAMUEL FAHNESTOCK and others appointed commissioners to take subscriptions for making a turnpike road from Michael Geiselman's mill to Abbotstown in York county. Shares fifty dollars. To give four weeks notice of the time and places of opening the books. How long books to be kept open. Authorized to remove books. Notice to be given of such removal. Books to be closed when four hundred shares are subscribed. Five dollars to be paid on subscribing. 2. When thirty persons or more shall have subscribed three hundred shares, governor authorized to incorporate the company, by the name of "The President, Managers and Company of the Berlin and Hanover turnpike road," with the usual powers, and also with power to enlarge the stock, if necessary. 3. Commissioners to give twenty days notice of the time of organizing the company. President, twelve managers, treasurer and other officers to be chosen by ballot. Authorized to make by-laws, &c. under certain limitations. Similar powers and privileges, and restrictions to those prescribed to the Susquehanna and York borough turnpike road. Limitation.]

Passed 6th February, 1811.—Recorded in Law Book No. XII. page 249.

CHAPTER MMMCCLXXXI.

1811.

An ACT establishing an academy in the town of Butler, in Butler county, and granting a sum of money thereto.

SECT. 1. [ACADEMY erected in Butler county. Style of the institution to be "Butler Academy." Six trustees to be appointed. Powers, privileges, &c. prescribed. Yearly income not to exceed four thousand dollars. 2. Trustees to be six; term of office fixed. Four to constitute a quorum. Rotation in the office of trustees. Two trustees to be elected annually. Proviso for filling vacancies. 3. Time of the first meeting of the trustees and where. 4. Treasurer to be appointed annually. His duties. To give bond. 5. Two thousand dollars granted to the institution. How to be applied. Five poor children to be taught gratis. 6. Trustees to exhibit their books annually to the county auditors under the penalty of forty dollars.]

Passed 6th February, 1811.—Recorded in Law Book No. XII. page 252.

CHAPTER MMMCCLXXXII.

An ACT altering and amending "An act to erect Lewistown, in the county of Mifflin, into a borough."

SECT. 1. [THE erection of the town of Lewistown into a borough perpetuated. Its boundaries fixed. 2. Qualifications of electors of burgesses, &c. Times for holding elections, and where. What officers to be elected. Who shall be eligible. Officers to conduct the elections to be appointed. Oath or affirmation to be administered. Mode of determining who shall have the preference, &c. Certificates of election to be delivered, &c. Notice to be given to the persons elect. Mode of supplying vacancies. 3. Burgesses and town council to be a body politic, by the style of "The Burgesses and Town Council of the borough of Lewistown in the county of Mifflin," with the usual corporate powers. 4. Officer refusing to serve, or neglecting to discharge his duty fined twenty dollars. High constable not to serve more than three years out of six, nor compelled to serve more than once in ten years. Mode of recovering the fine, &c. 5. Oath or affirmation to be taken by the officers. Certificate of the same to be filed. 6. Power to make and repeal laws, &c. Assess and apportion taxes. And appoint a treasurer and other officers, and to remove them. Meetings of the town council to be held at the court house, &c. 7. Chief burgess or assistant authorized to issue precepts, for collecting taxes; and to carry into effect the by-laws of the corporation. Jurisdiction in cases of dispute, &c. To remit or mitigate fines and forfeitures in certain cases: *Provided*, That it shall and may be lawful to and for the justice of the peace of the said borough, and all and every of the said justice or justices of the peace aforesaid, residing or being in the said borough, to do and execute every act or acts as pertaining to their office agreeably to the powers conferred on them by the constitution

1811. and laws of this commonwealth. 8. Duties of the town clerk prescribed. 9. Treasurer to give security. Treasurer, high constable, collector, &c. to exhibit their accounts annually. 11. Duty of high constable, and in case of his death, the town council to appoint a temporary high constable. 12. Salaries of officers to be fixed by the council, and be paid out of the borough treasury, &c. 13. What officers shall constitute a board of appeal. Duties of the collector, &c. 14. Time when this act to come into operation, and repeal of former law.]

Passed 6th February, 1811.—Recorded in Law Book No. XII. page 254.

CHAPTER MMMCCLXXXIII.

An ACT authorizing a loan of money from the state to William Eichbaum, to enable him to carry on a manufactory of Wire.

SECT. 1. [THREE thousand dollars loaned to William Eichbaum upon certain conditions, to be repayed in seven years, with three per cent. interest, &c.]

Passed 6th February, 1811.—Recorded in Law Book No. XII. page 259.

CHAPTER MMMCCLXXXIV.

An ACT to provide for the recording of roads and township lines heretofore laid out in the county of Berks.

SECT. 1. [JUSTICES of the Quarter Sessions, and county commissioners required to meet on or before the first of June next. Clerk of the sessions to lay before them reports, &c. Justices, &c. to direct what papers are to be recorded, &c. 2. Clerk to be furnished with necessary books. Duties of the clerk. Justices to examine whether or not he has performed his duty. Compensation for his services, and how to be paid.]

Exemplification of a record, &c.

SECT. III. *And be it further enacted by the authority aforesaid, That all reports and surveys of roads and township lines as shall be recorded by the clerk of the Quarter Sessions of the Peace aforesaid, in pursuance of the powers by this act vested in the Justices of the Quarter Sessions of the Peace, and county commissioners aforesaid, and which shall appear by the certificate aforesaid to have been directed to have been recorded, the record thereof or an exemplification therefrom duly certified under the seal of office shall be given in evidence at all times when the original is lost, worn out, or defaced, and have the same force and effect as if it had been recorded at the time to which it relates.*

Passed 6th February, 1811.—Recorded in Law Book No. XII. page 260.

CHAPTER MMMCCLXXXV.

[Art. pa. 40.]

A SUPPLEMENT to an act, entitled "An act to enable the governor to incorporate a company to make an artificial road from the town of Hanover in the county of York to the borough of Carlisle."

SECT. 1. [WHEN fifty persons or more shall have subscribed five hundred shares, the governor authorized to incorporate them

into a company, &c. Who are empowered to lay out a road, &c. 1811. Stock of the company to be seven hundred and fifty shares. 2. Six of the commissioners authorized to carry this act into effect, &c. Part of former act repealed.]

Passed 6th February, 1811.—Recorded in Law Book No. XII. page 262.

CHAPTER MMMCCLXXXVI.

An ACT to confer on Armantine Monges and Arman Monges the rights and benefits of children born in lawful wedlock.

Passed 6th February, 1811.—Recorded in Law Book No. XII. page 262.

CHAPTER MMMCCLXXXVII.

An ACT authorizing Lewis Overdeer, acting executor of the estate of Philip Bottenfeld, deceased, to sell a certain tract of land therein described.

SECT. 1. [LEWIS OVERDEER authorized to sell certain lands, &c. 2. Overplus to be applied agreeably to the will of Philip Bottenfeld, deceased. 3. Lewis Overdeer to give bond to the register for the faithful performance of his trust.]

Passed 6th February, 1811.—Recorded in Law Book No. XII. page 263.

CHAPTER MMMCCLXXXVIII.

An ACT to enable the commissioners of Huntingdon county to collect certain taxes in the counties of Clearfield and Cambria.

SECT. 1. [COMMISSIONERS of Huntingdon county authorized to collect certain taxes, &c. 2. And directed to issue warrants to collectors, &c.]

Passed 6th February, 1811.—Recorded in Law Book No. XII. page 264.

CHAPTER MMMCCXC.

A SUPPLEMENT to the act, entitled "An act to encourage the killing of Squirrels and Crows in certain parts of this commonwealth." [Vol. 4, page 371.]

SECT. 1. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the provisions of the act, entitled "An act to encourage the killing of squirrels and crows in the counties of Bedford, Washington, The law respecting squirrels, &c.

1811. *Westmoreland, Armstrong, Indiana, Fayette and Greene,"* passed the fourth day of March, one thousand eight hundred and seven, be, and the same are hereby extended to the counties of Butler, Franklin, Somerset, Lycoming, Crawford, Erie, Mercer, and Venango.

Passed 13th February, 1811.—Recorded in Law Book No. XII: page 266.

CHAPTER MMMCCXCI.

An ACT authorizing Seneca Lukens to sell and convey a certain plantation therein named.

SECT. 1. [SENECA LUKENS authorized to sell a certain tract of land. Proceeds of sale to be placed out on real security for the benefit of minors. 2. Lukens to enter into security, &c.]

Passed 13th February, 1811.—Recorded in Law Book No. XII. page 266.

CHAPTER MMMCCXCIII.

An ACT vesting the title of a certain piece of land in Washington township, in the county of York, in certain trustees and their successors, for the use of a school.

SECT. 1. [LAND officers to issue a warrant for a piece of land in York county, for the use of a school, to certain trustees and their successors, &c. 2. How vacancies in the board of trustees are to be supplied.]

Passed 13th February, 1811.—Recorded in Law Book No. XII page 268.

CHAPTER MMMCCXCIV.

(Ante. pa.
192.)

A SUPPLEMENT to the act, entitled "An act to alter the time of holding certain courts of Quarter Sessions and Common Pleas, in the county of Delaware."

Time of hold-
ing the courts
of Quarter
Sessions of
Chester,
Montgomery
and Bucks
county.

Proviso.

SECT. 1. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the Courts of Quarter Sessions and Common Pleas in the counties of Chester, Montgomery and Bucks, shall commence and be holden at the same time they would have been holden, had the act, to which this is a supplement, not been passed: *Provided always*, That no proceedings heretofore had in the said courts, shall be held to be void in consequence of any supposed misconstruction of the said act as to the time of holding the several terms, but the same shall be and hereby are confirmed, and shall have the like effect as if the terms in the said counties had not been changed.

Passed 13th February, 1811.—Recorded in Law Book No. XII. page 269.

CHAPTER MMMCCXCV.

1811.

A further SUPPLEMENT to an act, entitled "An act to prevent the exportation of Bread and Flour not merchantable, and for repealing at a certain time all the laws heretofore made for that purpose." (Vol. 1, p. 523.)

WHEREAS by the third section of a further supplement to the above recited act, passed the fifteenth day of March, one thousand eight hundred, it was made lawful to pack flour made of rye, and Indian corn, in white oak casks, but no provision was made therein for packing the same in red oak casks: For remedy whereof,

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, it shall be lawful for millers and bolters to pack any flour of rye or Indian corn, in strong tight puncheons, to be well made of good seasoned red oak, with pine or other heads suitable for molasses casks, and to be bound and tightened with sixteen good and sufficient hoops, two of which, at least, shall be of iron, that is to say, the second from each chine to be well secured with four nails in each chine hoop, and three wooden plugs or pegs at the upper edge of each upper bilge hoop, and to be of the same dimensions as the white oak cask referred to in the aforesaid supplement, to contain eight hundred pounds neat weight, having the tare or weight of the cask marked on it, and branded before it leaves the mill, bolting house, or place where the same shall have been packed, with the number 1.800. Such miller and bolter complying with all and every the directions of the said recited acts, subject to the same regulations, fines, forfeitures, penalties and inspection, and paying the same fees as is directed in the aforesaid supplement.

Flour, &c.
may be pack-
ed in red oak
casks.

Tare to be
marked on
the cask.
Brand to be
affixed.

Passed 13th February, 1811.—Recorded in Law Book No. XII. page 269.

CHAPTER MMMCCXCVIII.

An ACT supplementary to an act, entitled "An act to enable the governor to incorporate a company to make an artificial road from the east end of Perkiomen bridge, in the county of Montgomery, passing through Pottsgrove and by the White Horse tavern, in Amity township, to the borough of Reading in Berks county." (Ante, p. 146.)

SECT. 1. [NAMES of the commissioners. 2. When eight hundred shares are subscribed, the company may be incorporated. 3. Gates may be erected, when five miles are completed, &c. 4. Governor to subscribe for one hundred and fifty shares. Part of the original law repealed.]

Passed 13th February, 1811.—Recorded in Law Book No. XII. page 272.

1811.

CHAPTER MMMCCC.

An ACT to authorize John Umstead to erect a mill-dam in the river Schuylkill, in the county of Montgomery.

SECT. 1. [JOHN UMSTEAD, &c. authorized to build and maintain a dam in the river Schuylkill. Not to injure the navigation, nor to take more water than will supply two water wheels. 2. Viewers to be appointed by the court, in case of complaint; and indictment to be grounded thereon.]

Passed 13th February, 1811.—Recorded in Law Book No. XII. page 273.

CHAPTER MMMCCCI.

An ACT authorizing the sale of a certain tract of land in Newbury township, York county.

SECT. 1. [SAMUEL GARRETSON and James Wickersham authorized to sell the residue of a certain tract of land, and apply the proceeds of the said sale or sales to the purchase of other land for the purpose of a meeting place and burying ground, or such other use as the society shall direct.]

Passed 13th February, 1810.—Recorded in Law Book No. XII. page 275.

CHAPTER MMMCCCII.

An ACT authorizing the sale of the real estate of John Kauffman, a lunatic.

SECT. 1. [JOHN KERR and Andrew Kauffman to take care of the person and estate of John Kauffman, a lunatic; to enter into security, to pay debts, and dispose of the proceeds for the benefit of the lunatic. 2. The residue of monies to descend to the heirs of the lunatic.]

Passed 13th February, 1811.—Recorded in Law Book No. XII. page 276.

CHAPTER MMMCCCIII.

An ACT to encourage the warranting and patenting of lands, north and west of the rivers Ohio and Allegheny, and Conewango creek.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the secretary of the land-office of this commonwealth, be, and he is hereby authorized to issue warrants and patents to all actual settlers residing north and west of the rivers Ohio and Allegheny, and Conewango creek, who have complied with the acts of one thousand*

Patents to
issue to ac-
tual settlers,
&c.

seven hundred and ninety-two, and one thousand seven hundred and ninety-four, who may apply within two years after the passing of this act, with such documents as are now required by law to obtain warrants and patents in that part of the state, also a certificate of the deputy-surveyor of the proper district, certifying that to the best of his knowledge and belief, the lands contained in said survey has not been claimed by any other person, by warrant or otherwise, and on the payment of the usual fees of office, such persons shall receive their warrants and patents upon executing a mortgage to the governor for the use of the commonwealth, to secure the payments of the purchase money and the interest due this commonwealth, in ten equal annual instalments, and all mortgages executed in pursuance of this act shall be for the purchase money and interest thereon only, and shall be filed in the office of the secretary of the land-office, and shall be available in law without the recording thereof. And it shall be the duty of the secretary of the land-office, before he shall deliver any such patent to be enrolled, to endorse thereon, that a mortgage is executed by the patentee to the governor, for the use of the commonwealth, to secure the payments as aforesaid, specifying the amount thereof: *Provided always*, That any person or persons, who have executed, or who may hereafter execute a mortgage or mortgages to the governor, for the use of the commonwealth, to secure the payment of the purchase money on lands, shall not in consequence of their executing such mortgage or mortgages, be deprived of the privileges to which freeholders are entitled; any law or custom to the contrary notwithstanding. That nothing in this act shall prevent any person or persons or their legal representatives from paying the whole amount due the commonwealth, at any time within the ten years aforesaid: and that the application and mortgage as above stated may be made and executed by a legal agent or representative, duly constituted by letter of attorney, acknowledged before some Justice of the Peace in the county where the land may lie: *Provided*, That no warrant or patent issued under the authority of this act to any actual settler, shall prejudice or in any wise affect, or impair the right, interest or claim, of any person or persons whomsoever in any of the said lands.

SECT. II. *And be it further enacted by the authority aforesaid*, That all surveys made, or that may hereafter be made, agreeably to the eighth section of the act of the third of April, seventeen hundred and ninety-two, and entered in the survey-book of the proper deputy-surveyor, agreeable to said act, it shall be the duty of the deputy-surveyors, on application to them made, to make return of said surveys into the surveyor-general's office at any time after the passing of this act, and the surveyor-general shall file the same in his office, after which the lands so surveyed and returned need not be again surveyed, but the secretary of the land-office shall issue warrants of acceptance for the same to the person or persons applying to take their titles, agreeably to the provisions and directions of the first section of this act.

SECT. III. *And be it further enacted by the authority aforesaid*, That at any time after the passing of this act, on the application of any of the settlers as aforesaid, who may have filed their applications

1811.

Certificate
from deputy-
surveyor,
stating, &c.

Warrants
and patents
to issue, &c.

Mortgages to
be filed in
secretary's
office.

To be by
him endors-
ed before en-
rolment, &c.

Provisd.

Whole of the
purchase mo-
ney may be
paid at any
time within
the ten
years.

Land may be
mortgaged
by attorney
or agent.

Deputy-sur-
veyors to
make return
of certain
surveys, &c.

Actual set-
tlers entitled
to a credit
upon the
books, &c.

1811. in the land-office, it shall be the duty of the secretary of the land-office to issue a certificate to the treasurer of this commonwealth, authorizing him to receive any sum or sums of money, not less than ten dollars, and upon the receipt being returned to the land-office it shall be entered to the credit of the said applicant, although he may not have executed a mortgage so as to entitle him to a warrant or patent.

Passed 1st March, 1811.—Recorded in Law Book No. XII. page 277.

CHAPTER MMMCCCV.

An ACT for the relief of William Glendy, Atcheson Mellon, Ernst Greese, John Faust, Abraham Bodle, and Duncan M'Vickar, soldiers of the Revolution.

SECT. 1. [GRATUITY of forty dollars granted to William Glendy, and an annuity of forty dollars, payable half yearly. 2. To Atcheson Mellon, forty dollars gratuity, and forty dollars annuity, payable half yearly. 3. Forty dollars granted to Ernst Greese. 4. To John Faust, forty dollars gratuity, and forty dollars annuity, payable half yearly. 5. To Abraham Bodle, forty dollars gratuity, and forty dollars annuity, payable half yearly. 6. Forty dollars to Duncan M'Vickar.]

Passed 1st March, 1811.—Recorded in Law Book No. XII. page 279.

CHAPTER MMMCCCVII.

An ACT authorizing the purchase and distribution of a certain number of copies of Bache's Manual.

SECT. 1. [FIFTEEN hundred copies of "The Manual of a Pennsylvania Justice of the Peace," to be subscribed for.]

SECT. II. *And be it further enacted by the authority aforesaid,* That the prothonotaries of the city and counties of this commonwealth are hereby required, as soon as conveniently may be, to transmit to the secretary of this commonwealth, a list of all the acting aldermen and justices in the said city and counties respectively, and the said secretary is hereby directed to deliver to each member of the senate and house of representatives one copy, and to transmit to the said prothonotaries of the city and counties of this commonwealth, with the laws of this session, one copy for each acting alderman or justice in the said city and counties. And the prothonotaries aforesaid are hereby required to deliver one copy to each of the said aldermen or justices, and take a receipt therefor, and on the resignation, removal out of the district, or death of any of the said aldermen or justices, the said justice or aldermen, or their executors or administrators, shall forthwith return said copy to the said prothonotary or his successor in office, who shall deliver the same to the next justice that may be appointed in such district.

Passed 1st March, 1811.—Recorded in Law Book No. XII. page 282.

Prothonotaries to transmit to the secretary of the commonwealth a list of the acting aldermen and justices of the peace.
Secretary to distribute copies of the said manual among members of the legislature, &c.

CHAPTER MMMCCXCIX.

1811.

An ACT for erecting part of the counties of Berks and Northampton into a separate county.

[Post.]

WHEREAS the inhabitants of the northern part of Berks and Northampton counties, have, by their petitions, set forth to the general assembly of this state, the great hardships they labour under from being so remote from the present seat of justice and the public offices :

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* all that part of Berks county, lying and being within the limits of the following townships, to wit: The townships of Brunswick, Schuylkill, Manheim, Norwigan, Upper Mahantango, Lower Mahantango and Pine Grove, in Berks county, and the townships of West Penn and Rush, in Northampton county, shall be, and the same are hereby, according to their present lines, declared to be erected into a county, henceforth to be called Schuylkill.

Parts of Berks and Northampton counties erected into a new county.

SECT. II. *And be it further enacted by the authority aforesaid, That* the inhabitants of the said county of Schuylkill be entitled to, and shall at all times hereafter have, all and singular the courts, jurisdictions, offices, rights and privileges, to which the inhabitants of other counties of this state are entitled by the constitution and laws of this commonwealth.

Enjoy similar rights and privileges with other counties.

SECT. III. *And be it further enacted by the authority aforesaid, That* from and after the third Monday of December next, the Courts of Common Pleas and General Quarter Sessions, in and for said county of Schuylkill, shall be opened and held at the house now occupied by Abraham Reiffsnnyder, in the township of Brunswick, in the said county of Schuylkill, until a court house shall be erected in and for the said county, as herein after directed, and shall be then held at said court house.

Courts, for the present, to be held at Abraham Reiffsnnyder's house in Brunswick township.

SECT. IV. *And be it further enacted by the authority aforesaid, That* no suit or prosecution which has been heretofore commenced, or which shall be commenced in the courts of the county of Berks before the third Monday of December next, shall be delayed, discontinued or affected, by this act, but the same shall be issued and done of all such judgments by the sheriff and coroner of Berks county, as if this act had not been passed.

No suit already commenced to be affected by this act.

SECT. V. *And be it further enacted by the authority aforesaid, That* all taxes and arrears of taxes laid, or which have become due within the county of Schuylkill, before the passing of this act, and all sums of money due to this commonwealth for militia fines in the said county of Schuylkill, shall be collected and recovered as if this act had not been passed.

Taxes, militia fines, &c. to be collected as if this act had not passed.

SECT. VI. *And be it further enacted by the authority aforesaid, That* the sheriff, treasurer, and prothonotary, and all such officers as have heretofore usually given surety for the faithful discharge of the duties of their respective offices, who shall hereafter be appointed or elected in the said county of Schuylkill, before they or any of them shall enter on the execution thereof, shall give sufficient

Sheriffs and other county officers to give sureties, &c.

1811. security, in the same manner and form, and for the same uses, trusts and purposes, as such officers for the time being are obliged by law to do in the county of Berks.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the sheriff, coroner and other officers of the county of Berks and Northampton, other than the justices of the peace, shall continue to exercise the duties of their respective offices within the county of Schuylkill, until similar offices shall be appointed agreeably to law within the said county.

Berks and Schuylkill counties to elect members of the state legislature, jointly.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the inhabitants of the county of Berks and of the county of Schuylkill shall jointly elect five representatives and two senators, to serve in the legislature of this commonwealth, in the same mode, under the same regulations, and make return in the same manner, as is or shall be directed by the laws of this commonwealth for conducting and making returns of the elections of the county of Berks, any thing in this act to the contrary notwithstanding.

Three persons to be appointed by the governor to fix a site for the seat of justice.

SECT. IX. *And be it further enacted by the authority aforesaid,* That the governor be, and he is hereby authorized and required, on or before the first day of May next ensuing, to appoint three discreet and disinterested persons, not resident in the counties of Berks or Northampton, whose duty it shall be to fix upon a proper and convenient site for a court house, prison and county offices within the aforesaid county of Schuylkill, as near the centre as the situation thereof will admit, and the said persons, or a majority of them having viewed the relative advantages of the several situations contemplated by the people, shall, on or before the first day of June next, by a written report under their hands and seals or under the hands and seals of a majority of them, certify, describe and limit the site or lot of land which they shall have chosen for the purpose aforesaid, and shall transmit the said report to the governor of the commonwealth, and the persons so as aforesaid appointed, shall receive two dollars and fifty cents per diem for their services, out of the monies to be raised in pursuance of this act.

To make report in writing to the governor.

Their compensation.

Commissioners to take assurances for lands, &c.

SECT. X. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the commissioners of the county of Schuylkill, which shall be elected at the next annual election, to take assurance to them or their successors in office of such lot or piece of ground as shall have been approved of by the persons appointed as aforesaid, or a majority of them, for the purpose of erecting thereon a court house, gaol, and offices for the safe keeping of the records, and that for defraying the expenses thereof the said county commissioners are hereby authorized to assess and levy, and collect in the manner directed by the acts for raising county rates and levies, a sufficient sum to defray the expenses thereof.

To elect members of congress, &c.

SECT. XI. *And be it further enacted by the authority aforesaid,* That the said county of Schuylkill shall form a part of the district composed of the counties of Berks, Chester, and Lancaster, for the election of members of congress.

Judges of Supreme Court, their powers, &c.

SECT. XII. *And be it further enacted by the authority aforesaid,* That the judges of the Supreme Courts shall have the like powers, jurisdictions and authorities, within the said county of Schuylkill,

as by law they are vested with and entitled to have and exercise in other counties of this state; and the said county is hereby annexed to the Lancaster district of the said Supreme Court. 1811.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That two persons shall be commissioned judges of the Courts of Common Pleas in and for the said county of Schuylkill, and that Courts of Common Pleas and General Quarter Sessions of the Peace to be holden in and for said county of Schuylkill shall be opened on the second Monday next following the county courts of Wayne county, which shall be held on the third Monday of December next, and then the courts shall be holden each and every succeeding term on the second Mondays following the courts of Wayne county, and the said Courts of Quarter Sessions shall sit four days at each session, if there be occasion, and no longer; and the said county of Schuylkill shall be and is hereby declared to belong to the third district, consisting of the counties of Berks, Northampton, and Wayne, and that the president of the Courts of Common Pleas within the said district shall be president of the Courts of Common Pleas of the said county of Schuylkill, and shall have power and authority, according to the constitution and laws of this commonwealth, to hold Courts of Oyer and Terminer and General Gaol Delivery therein, for the trial of capital and other offenders, and to do and perform all other acts and duties as fully as he may or can do in any other county of the said district.

Two associate judges to be appointed.

Time of holding the courts.

Schuylkill county to belong to the third district.

Passed 1st March, 1811.—Recorded in Law Book No. XII. page 283.

CHAPTER MMMCCCX.

An ACT to erect the town of Northampton, in the county of Northampton, into a borough.

SECT. 1. [TOWN of Northampton erected into a borough. Its boundaries defined. 2. Qualification of electors. Where to hold the first election. Place thereafter to be appointed by the corporation. Time of holding election.—To be by ballot, and between certain hours. What officers are to be elected. Officers of election to be chosen by ballot. First election to be held by the constable of the town, subsequently by the high constable of the borough and two assistants. Election officers to be on oath or affirmation.—To publish the result of the election, make out certificates and transmit them to the persons elected, &c. Town council to fill vacancies. 3. Style of the corporation, "The Burgess and Town Council of the borough of Northampton." Jurisdictions, franchises, &c. Yearly value of income not to exceed five thousand dollars. Capable of suing and being sued. Common seal to be altered at pleasure. 4. Penalty on persons elected refusing or neglecting to serve. How fines are to be appropriated. 5. Officers of the corporation to be under oath or affirmation. 6. Authority to meet and make by-laws, &c. under certain restrictions. Assess taxes, &c. Appoint clerk, treasurer, &c. By-laws not to be inconsistent with the constitutions and laws. No tax in one year to exceed a fourth

1811. of a cent in the dollar. 7. Burgess authorized to issue precepts for collecting taxes and fines. When collected to be paid over to the treasurer. Further powers of the burgess prescribed. 8. Duties of the town clerk. 9. Treasurer to give security. 10. All officers of the corporation to render their accounts annually to the council. Accounts settled to be published. 11. Duties of the high-constable prescribed. 12. Persons aggrieved may appeal to the Court of Quarter Sessions. Decision of the court to be conclusive.]

Passed 18th March, 1811.—Recorded in Law Book No. XII. page 286.

CHAPTER MMMCCCXI.

A SUPPLEMENT to an act entitled “An act to enable the governor to incorporate a company to make an artificial road from the court-house in the borough of Gettysburg, to Black’s tavern, in Adams county.”

SECT. 1. [WHEN twenty persons or more shall have subscribed one hundred shares of the stock, of the Gettysburg and Black’s tavern turnpike road, the company to be incorporated.]

Passed 18th March, 1811.—Recorded in Law Book No. XII. page 290.

CHAPTER MMMCCCXIV.

An ACT to authorize Matthew Thompson and Adam Boyd, executors of the last will and testament of William Boyd, late of the county of Cumberland, deceased, to sell and convey a certain plantation or tract of land therein mentioned.

SECT. 1. [ORPHANS’ Court of Cumberland county authorized to direct the sale of the real estate of William Boyd, deceased. Proceeds to be appropriated to the use of the widow and minor children of the deceased, and security to be given in the Orphans’ Court, &c.]

Passed 18th March, 1811.—Recorded in Law Book No. XII. page 292.

CHAPTER MMMCCCXV.

[Vol. 4, p. 626.] *An ACT supplementary to an act entitled “An act for annexing part of Northumberland county to the county of Luzerne.”*

SECT. 1. [COMMISSIONERS appointed, and required to run and mark out a line contemplated by the act to which this is a supplement. Compensation for their services, to be paid out of the county treasury of Luzerne. Governor authorized to fill vacancies. 2. Repeal of the third section of a former act.]

Passed 18th March, 1811.—Recorded in Law Book No. XII. page 293.

CHAPTER MMMCCCXVI.

1811.

An ACT authorizing the sale of certain real estate, late the property of James Stewart, of Luzerne county, deceased.

SECT. 1. [ORPHANS' Court authorized to direct the sale of part, or the whole of the real estate of James Stewart, deceased, to pay debts, &c. Bond and security to be given, &c.]

Passed 18th March, 1811.—Recorded in Law Book No. XII. page 294.

CHAPTER MMMCCCXVII.

An ACT supplementary to an act, entitled "An act to authorize the governor to incorporate a company for erecting a bridge over the river Susquehanna, at the borough of Wilkes-Barrè, in the county of Luzerne." (Vol. 4, p. 410.)

SECT. 1. [TWO commissioners appointed to supply vacancies. Powers of the commissioners. Proviso, limiting the time for commencing and completing the work. 2. The governor to supply vacancies.]

Passed 20th March, 1811.—Recorded in Law Book No. XII. page 295.

CHAPTER MMMCCCXIX.

An ACT to declare Lycoming creek, in the county of Lycoming, a public highway.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, Lycoming creek, in the county of Lycoming, from the mouth thereof up the same to where the line of Tioga county crosses the said creek, shall be, and the same is hereby declared a public highway, for the passage of rafts, boats and other vessels, under limitations and restrictions hereinafter specified; and it shall and may be lawful for the inhabitants, desirous of using the navigation of said creek, to remove all natural and artificial obstructions from the bed or channel of the aforesaid creek, excepting dams for mills, and other water works; and to erect such slopes or locks; and to keep the same in repair at the mill dams now built as may be necessary for the passage of rafts, boats and other vessels, provided such slopes or locks be so constructed as not to injure the said dams.

SECT. II. *And be it further enacted by the authority aforesaid, That* nothing in this act contained, shall be deemed, taken or construed to prevent any person or persons possessing lands on said creek, who before the passing of this act, had authority under the laws of this commonwealth to erect a dam, from erecting any such dam or dams that he, she or they may think proper: *Provided at*

Lycoming creek declared a public highway, under certain restrictions.

Possessors of land on said creek authorized to erect dams under a proviso.

1811. *ways, That such dams be so constructed and kept in repair as that there may be a slope to each dam at least twenty-five feet in width, extending three times the distance down the creek, that such dam may be in perpendicular height and sufficient for the passage of boats and rafts.*

Passed 20th March, 1811.—Recorded in Law Book No. XII. page 296:

CHAPTER MMMCCCXX.

An ACT granting an annuity to Thomas Hill.

SECT. 1. [GRATUITY of forty dollars granted to Thomas Hill, and forty dollars annuity, payable half yearly, to Thomas Campbell, &c. for the use of the said Thomas Hill. Thomas Campbell, &c. to account to the Orphans' Court, for the execution of the trust, &c.]

Passed 20th March, 1811.—Recorded in Law Book No. XII. page 297.

CHAPTER MMMCCCXXI.

An ACT establishing an academy in the town of Meadville, in Crawford county, and granting a sum of money thereto.

SECT. 1. [ACADEMY established at Meadville, by the name of "Meadville Academy." Trustees named. Erected into a body politic and corporate. Their privileges prescribed; and yearly income not to exceed four thousand dollars. 2. Number of trustees to be six. Term of office not to be more than three years, unless re-elected. Four to constitute a quorum. To cast lots to ascertain the members to be changed. Two trustees to be chosen annually, and provision for filling vacancies. 3. Time of first meeting fixed. 4. Trustees to appoint a treasurer annually, and his duty, to give bond, &c. 5. One thousand dollars granted to the institution. How to be appropriated. Five poor children to be taught gratis. 6. Trustees to exhibit their accounts, &c. under a penalty of forty dollars. Mode of settlement. To be published triennially. On the receipt of the one thousand dollars, powers of the trustees to cease and be vested in the corporation.]

Passed 20th March, 1811.—Recorded in Law Book No. XII. page 298.

CHAPTER MMMCCCXXII.

An ACT providing for the settlement of certain disputed titles to lands north and west of the rivers Ohio and Allegheny, and Conewango creek.

WHEREAS the improvement of the lands lying north and west of the rivers Ohio and Allegheny, and Conewango creek, has

been, and still is impeded by certain disputes which have arisen, concerning the titles to the said lands under the ninth section of an act of the general assembly, passed the third day of April, one thousand seven hundred and ninety-two, entitled, "An act for the sale of vacant lands within this commonwealth:" *And whereas* an opinion is entertained that certain persons calling themselves the Holland land company, the population company, and the North-American land company, and also other persons who claim lands by warrants obtained from this commonwealth, have forfeited their title and claim thereto by reason of non-performance of the conditions as to settlement, improvement and residence contained in the section aforesaid, and that the title to the said lands is still vested in this commonwealth: *And whereas* other persons generally denominated actual settlers, have made settlements and resided on the same lands, in virtue whereof they claim the same under the provisions of the act aforesaid: *And whereas* ejectments have been issued against some of the persons last aforesaid who have suffered judgment to be rendered against them by default, on account of their inability to make defence to the said ejectments, and have been dispossessed by certain process, and it being of importance to this commonwealth that the disputes aforesaid should be settled as speedily as possible: Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* in all cases where an agreement has been entered into between an original warrant-holder or his legal representative, and an actual settler, to settle and improve a tract of land, previous to such settler taking possession of said tract of land, lying north and west of the rivers Ohio and Allegheny, and Conewango creek, surveyed on an original warrant, and said settler or his legal representative has made such actual settlement, continued residence and improvements thereon, as are described in the ninth section of the act of the third of April, one thousand seven hundred and ninety-two, although after the time required by said act in such cases, the commonwealth doth hereby ratify and confirm the title to such tract to the parties aforesaid, according to their said agreement: *Provided, That* the claim of any other person or persons who hold adverse to such contracting parties, shall not be affected by any thing herein contained.

SECT. II. *And be it further enacted by the authority aforesaid, That* in all cases where an actual settler has, adverse to the original warrantee, taken possession of a tract of land surveyed on an original warrant, and has made such actual settlement, residence and improvements as are described in the said ninth section of said act, and an agreement or compromise shall take place at any time after the passing of this act, and before the first day of June, one thousand eight hundred and thirteen, between such actual settler or his legal representative, and the original warrantee or his legal representative, either by the warrantee or his legal representative releasing his claim to one hundred and fifty acres, with the usual allowance of said tract, to be surveyed and laid off by the proper deputy-surveyor, to said settler or his legal representative, including said settler's

1811.

Agreements entered into between warrant holders, or their legal representatives, with actual settlers, &c.

Proviso.

Compromises between actual settlers and warrantees prior to the 1st of June, 1813, in which the warrantee releases to the settler his claim to 150 acres.

1811. improvements, clear of expense or consideration, excepting the consideration of said settlement, or in cases where either party shall, between the dates aforesaid, purchase the right or claim of the other to said tract of land, that in such case the commonwealth shall cease to have any further claim to said tract, and the title to the same shall be confirmed to such warrantee and settler, or their legal representatives, accordingly.

Where settler has made an improvement and residence agreeably to the act of 3d April, 1793, and purchased a part of the tract of the warrantee, &c.

SECT. III. *And be it further enacted by the authority aforesaid,* That in all cases where an actual settler has, adverse to the original warrantee, taken possession of any tract of land heretofore surveyed on any original warrant, and who has made on the same such actual settlement, residence and improvement, as is required in the ninth section of the said act of the third of April, one thousand seven hundred and ninety-two, and who has purchased any part of the said tract of the warrantee to include and secure his said improvement, that in all such cases, where the said warrantee or his legal representative, on or before the first day of June, one thousand eight hundred and thirteen, shall release to the said actual settler, or his legal representative, his claim to one hundred and fifty acres and allowance of six per cent. of said tract, clear of expense, as a consideration for making said improvement, settlement and residence, to be surveyed and laid off by the proper deputy-surveyor, in such case the commonwealth shall cease to have any further claim to such tract.

An actual settler having abandoned this settlement before it was completed, and shall resume it prior to the year 1813, and complete it, shall be entitled to the benefits of an actual settler, &c.

SECT. IV. *And be it further enacted by the authority aforesaid,* That all actual settlers who had, adverse to the warrantees, commenced an actual settlement and residence on any tract of land heretofore surveyed on original warrants, and who have resided thereon two years, and in that time cleared, fenced, and cultivated three acres of said tract of land, and have abandoned their settlements on said tracts at any time before the whole of the settlement, residence and improvements required by said ninth section of said act of one thousand seven hundred and ninety-two, were fully and completely made and ended, and who shall either himself or his legal representative return to said tract before the said first day of June, one thousand eight hundred and thirteen, and settle and reside on the same so long as with the residence and improvements aforesaid made thereon, shall amount to what is required by said ninth section of said act, such settler or his representative, so returning and residing as aforesaid, shall be entitled to all the benefits of an actual settler under this act, and the act of the third of April, one thousand seven hundred and ninety-two, but should he or his legal representative neglect to return or fail to re-commence said settlement within said time, and perform the conditions herein before-mentioned and required, his previous settlement shall be considered abandoned after said first day of June, one thousand eight hundred and thirteen, and it shall be lawful in such cases after the said day, for the original warrantee or his representative, to dispose of the same, in the same manner and under the same conditions as lands where no actual settlement was commenced; and on the same conditions and under the same exceptions as in other cases, will the commonwealth cease to have any further claim to such tracts of land.

SECT. V. *And be it further enacted by the authority aforesaid,* 1811.
That every actual settler who had commenced an actual settlement and residence on a tract of land heretofore surveyed on an original warrant, adverse to the warrantees, and who has been evicted therefrom by process of law at the suit of the warrantee or his legal representatives, shall be entitled to all the benefits of an actual settler under this act and the act of the third of April, one thousand seven hundred and ninety-two, and upon the warrantee or his legal representatives releasing to such settler or his legal representative one hundred and fifty acres of said tract and the usual allowance to be surveyed and laid off by the proper deputy-surveyor, including said settler's improvement clear of expense, or in cases where either party shall purchase the right or claim of the other to said tract of land, in such case the commonwealth shall cease to have any further claim to said tract, but the title shall be ratified and confirmed to the said settler and warrantee accordingly.

Actual settler evicted by the warrantee entitled to similar benefits, &c.

Warrantee releasing 150 acres to the settler including his improvement, or either party purchasing the claim, &c.

SECT. VI. *And be it further enacted by the authority aforesaid,* When no actual settlement has been made, in what manner title may be acquired, &c.
That in all cases where no actual settlement and residence as aforesaid now exist, or has been made on a tract of land heretofore surveyed on an original warrant, but the warrantee or his legal representative shall, before the first day of June, one thousand eight hundred and fourteen, agree with any person or persons to commence an actual settlement on said tract on or before the said first day of June, one thousand eight hundred and fourteen, and release to such actual settler his claim to a hundred and fifty acres and allowance of said tract clear of expense, to be laid off by the deputy-surveyor of the proper county; and said person or persons, his or their legal representatives, shall commence an actual settlement on the same before said time and continue a residence thereon for five years next following the first commencement, and within that time clear, fence and cultivate at least two acres for every hundred acres in said survey, and erect a house thereon fit for the habitation of man, in such cases the commonwealth shall cease to have any further claim to said tract and will confirm and ratify the title to the same.

Term of residence and nature of the improvements required.

SECT. VII. *And be it further enacted by the authority aforesaid,* On what terms persons holding prevention patents may obtain new ones.
That where patents commonly called prevention-patents have issued to said party or parties for said land, and he, she or they, shall request a new patent for the same land, it shall be granted on payment of the usual fees of office, and on delivering up the old patent to the secretary of the land-office that it may be cancelled.

SECT. VIII. *And be it further enacted by the authority aforesaid,* In what cases purchase money and fees shall be refunded.
That in all cases where the original warrantee or his legal representative shall compromise with an actual settler for a tract of land in any of the ways before mentioned, and where a new warrant of default shall have been issued for the same tract, the state treasurer shall repay the amount of purchase-money that may have been paid for said vacating-warrant, together with the fees of office.

SECT. IX. *And be it further enacted by the authority aforesaid,* This act not to affect prior agreements, unless, &c.
That none of the provisions in the foregoing sections of this act shall be construed to affect any agreement heretofore made between an actual settler who has made the settlement, residence and improvements, on a tract of land, and any person who was to procure

1811. the title for the said settler, and on which tract of land the original warrantee had failed to fulfil the conditions of the said ninth section of the said act of one thousand seven hundred and ninety-two, but all such contracts shall remain as heretofore, unless an agreement shall take place between all parties concerned before the aforesaid first day of June, one thousand eight hundred and thirteen, or the original grantee or his legal representative shall release his claim to the contracting parties, on which release taking place, the state in all such cases will cease to have any further claim to said land, and the titles shall be ratified and confirmed accordingly.

Evidences of agreements to be recorded in the proper county and a copy transmitted to the secretary of the land-office.

SECT. X. *And be it further enacted by the authority aforesaid,* That the party or parties to any of the compromises or agreements, mentioned in the foregoing sections, shall cause the evidence of such agreement or compromise to be recorded in the office for recording of deeds of the county in which the said land lies, and a certified copy thereof transmitted to the secretary of the land-office shall be evidence of such agreement, and the usual proof of settlement and residence being filed in said land-office, patents shall thereupon issue agreeable to the provisions in the foregoing sections, any thing herein before said to the contrary notwithstanding.

Process when issued, on whom to be served.

SECT. XI. *And be it further enacted by the authority aforesaid,* That any civil process which shall be issued out of any court of record or from any Alderman or Justice of the Peace within this commonwealth, against the Holland land company, the Pennsylvania population company, or the North-American land company, or other warrant holders, by the name of the respective companies or warrant holders, as the case may require, shall be served on the agent or attorney in fact of said company, or other warrant holders, in cases where attornies or agents are or may be appointed; and on due proof of said service, and on return thereof being made according to law, the same proceeding shall be had thereon against any of said companies or warrant holders, their agents or attornies, as is had against other defendants in like cases, agreeably to the laws of this commonwealth.

Actual settler having purchased the right of a warrantee entitled to a patent on producing proof of settlement and regular chain of title.

SECT. XII. *And be it further enacted by the authority aforesaid,* That in cases where an actual settler may heretofore have purchased the right of a warrantee to a tract of land, north and west of the rivers Ohio and Allegheny, and Conewango creek, whereon he may have made an actual settlement agreeable to the act of the third of April, one thousand seven hundred and ninety-two, and where such settler shall apply to the land-office to patent the same, it shall be the duty of the secretary of the land-office to grant such patent on the usual proof of settlement being made, and a regular chain of title being produced from such warrantee and the arrears of purchase money (if any there be) and the usual office fees being first paid: *Provided,* That nothing contained in the foregoing shall be construed to prevent the commonwealth at any time hereafter from asserting her right in cases of forfeiture under the act of the third of April, one thousand seven hundred and ninety-two, where the warrant holders and actual settlers shall fail to embrace the provisions of this act,

Proviso.

Saving certain rights to the commonwealth.

SECT. XIII. [This act to be published in certain newspapers, &c. 1811.
(Obsolete.)]

Passed 20th March, 1811.—Recorded in Law Book No. XII. page 300.

CHAPTER MMMCCCXXIII.

An ACT authorizing Joseph Kirkbride to build a toll-bridge over Frankford creek.

SECT. 1. [JOSEPH KIRKBRIDE authorized to build a bridge over Frankford creek. Manner in which the bridge is to be constructed. Draw to be eighteen feet wide, &c. 2. No toll to be exacted for raising the draw. Penalty for unnecessary delay. 3. Lamps to be affixed on each side of the creek, and kept burning all night, except when moon-light. Penalty for neglect. 4. Bridge to be kept in repair. Rate of tolls prescribed, but no toll to be taken from military processions, funerals, or children going to school. 5. Penalty for demanding illegal toll, and how fines to be appropriated. Suit to be brought within twenty days, and the party aggrieved to be a witness. 6. Penalty for injuring the bridge, &c. How fines to be recovered. 7. Building to commence within one and completed within two years.]

Passed 20th March, 1811.—Recorded in Law Book No. XII. page 306

CHAPTER MMMCCCXXIV.

An ACT to remedy defects in the titles to real estate purchased by certain emigrants within this commonwealth, during the time they were aliens.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* all purchases of real estate made by emigrants resident within this commonwealth previous to declaring their intentions to become citizens of the United States, and who since purchasing the same have been naturalized in conformity with the laws of the United States on that subject, shall be as valid to all intents and purposes, and shall be construed to vest the title to the said real estate in the purchasers as fully and absolutely as if they had been citizens at the time they purchased the same.

Purchases of real estate by aliens, to be valid in case they afterwards become naturalized.

SECT. II. *And be it further enacted by the authority aforesaid, That* in all cases where aliens have purchased real estate within this commonwealth and have sold the same to citizens of the United States, the said sales shall be valid to all intents and purposes, and shall be construed to vest the title to the said real estate in the citizens aforesaid, as fully and effectually, as if the said aliens had been citizens at the time of purchasing the same.

Sales of real estate by aliens to citizens of the United States, valid.

Passed 20th March, 1811.—Recorded in Law Book No. XII. page 308.

CHAPTER MMMCCCXXV.

1811.

A SUPPLEMENT to an act, entitled "An act to provide for selling the several reserved tracts of land adjoining the towns of Erie, Franklin, Warren and Waterford, and for other purposes therein mentioned."

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* it shall be the duty of the governor to appoint two reputable citizens whose duty it shall be, together with the assistance of the commissioner of sales, to appraise all the in-lots in squares, and the out-lots in the second section of the town of Erie, and all streets heretofore laid out shall be left open for public highways, which appraisement shall be regularly entered in a book for that purpose; it shall then be the duty of the commissioners aforesaid to advertise the said squares and out-lots for sale, specifying particularly the day on which the sales shall commence, and no contract shall be confirmed by the said commissioners for sixty days after the said books shall be opened, and the highest price offered within that time shall be accepted, provided it is not below the appraisement, and the terms shall be as follows: the one third part of the purchase money shall be paid at the time of sale to the commissioner attending when the entry of sale is made, whose duty it shall be to certify the same; one third part to the secretary of the land-office within twelve months from the day of sale; and the remaining one third part within two years from the day of sale; and the bonds directed to be taken by the act to which this is a supplement, by the commissioner for the second and third instalments, shall be transmitted to the secretary of the land-office within six months after they are taken, and at the expiration of the two years aforesaid, the secretary of the land-office is hereby authorized and required to grant patents to the purchasers: *Provided, The purchase money is paid according to the sales.*

SECT. II. *And be it further enacted by the authority aforesaid, That* the commissioner and persons appointed to appraise the property aforesaid, before they proceed to perform the duties required of them by this act, they shall take and subscribe an oath or affirmation before some justice of the peace to perform the duty required of them with fidelity and impartiality, and shall receive two dollars each per day while necessarily employed in appraising the lots aforesaid, which shall be in full for that service.

SECT. III. *And be it further enacted by the authority aforesaid, That* the beach of the lake from the upper corner of the garrison tract, and for twenty perches back from the water's edge down the lake to the out-lots, and from thence down the same, including all the land between the out-lots and the water's edge, to the tract of land No. 38, the property of John Kelso, shall be, and remain a public landing for the use of the inhabitants and others until otherwise appropriated by law; and any person obstructing said landing shall pay for every such offence the sum of twenty dollars, to be recovered before any justice of the peace of the county of Erie, in the same manner as other fines are recoverable, which shall be applied

Governor to appoint two persons, who with commissioner, are to appraise the lots, &c.

Enter the value in a book.

Advertise lots for sale. No contract to be confirmed until sixty days after opening the books.

Conditions of sale.

Bonds to be sent to the secretary of the land-office within six months.

Patents to issue.

Proviso.

Commissioner to be under oath or affirmation.

Their compensation.

Certain part of the beach on the lake, to remain a public landing.

Twenty dollars penalty for obstructing the landing. How recoverable.

to improving the roads from the town of Erie, to and from the said landing. 1811.

Passed 20th March, 1811.—Recorded in Law Book No. XII. page 309.

CHAPTER MMMCCCXXVI.

An ACT granting additional powers to the accountant officers in the settlement of the account of monies arising from Exempt Fines.

WHEREAS the acts for the regulation of the militia of the commonwealth of Pennsylvania, passed the ninth of April, one thousand seven hundred and ninety-nine, and the sixth of April, one thousand eight hundred and two, and ninth of April, one thousand eight hundred and seven, contain no provision by which collectors employed in collecting the monies arising from exempt fines could be relieved in cases where it was improper or impracticable to enforce the collection thereof: Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* Accountant officers required to investigate the causes of the non-collection of exempt fines, and in certain cases to remit them.

in order to enable the accountant officers to adjust and settle the account of monies arising from exempt fines under the aforesaid acts, they are hereby enjoined and required to ascertain the reasons and grounds why the said fines have not been collected, for the doing of which the said officers of accounts are hereby authorized to examine the accounts of any county treasurer or commissioners who may think him or themselves aggrieved touching the said fines outstanding, or alleged to be outstanding, or to proceed in any other manner which to the said accountant officers may seem best calculated to produce a satisfactory exhibition of the causes for the non-collection of said fines. And if it shall appear to them that it was improper or impracticable to collect said fines they are hereby authorized to remit the same.

Passed 20th March, 1811.—Recorded in Law Book No. XII. page 310.

CHAPTER MMMCCCXXVII.

A SUPPLEMENT to the act, entitled "An act to establish a board of wardens for the port of Philadelphia, and for the regulation of pilots and pilotages, and for other purposes therein mentioned." (Vol. 4, pa. 67.)

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* Masters or owners of vessels clearing out of the port of Philadelphia to pay a ton-

the master, owner or owners, consignee or consignees of every ship or vessel which shall clear out of the port of Philadelphia for any port or place out of the limits of the United States, shall, before the

1811.
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 page duty of
 two cents for
 every ton.

Penalty upon
 the owner,
 master, or
 consignee of
 a vessel,
 which shall
 depart with-
 out the ton-
 nage being
 paid.

How penalty
 to be recover-
 ed.

In what man-
 ner the
 amount of
 tonnage re-
 ceived is to
 be appropri-
 ated.

Board of
 wardens to
 keep an ac-
 count of re-
 ceipts and
 expenditures
 and exhibit
 the same an-
 nually to the
 auditor-gene-
 ral.

Who is to
 audit and ad-
 just the
 same.

Allowance to
 wardens for
 collecting
 and paying
 over.

When to
 come into
 operation,
 and how long
 to continue.

departure of such ship or vessel, pay to the board of wardens of the said port (in addition to the tonnage duty already provided to be collected and paid in pursuance of an act, entitled "An act to empower the board of wardens for the port of Philadelphia to collect a certain tonnage duty for the purposes therein mentioned,") a tonnage duty of two cents for every ton which such ship or vessel shall measure, according to the rules which is or may be prescribed by the laws of the United States, for ascertaining the tonnage of ships or vessels, and if any such ship or vessel shall depart from the port before the payment aforesaid, the master, owner or owners, consignee or consignees thereof, shall pay to the said board of wardens, a sum equal to double the amount of the said tonnage duty, due on such ship or vessel by virtue of this act, which may be recovered in the name of the said board, before any alderman, justice of the peace, or court of justice, having lawful jurisdiction of the amount thereof, or the said board may if they think it expedient, sue for, and recover as aforesaid the tonnage duty due on any ship or vessel after she shall have received a clearance, and before her departure.

SECT. II. *And be it further enacted by the authority aforesaid,* That the tonnage duties collected by virtue of this act shall be appropriated by the said board of wardens as is herein after mentioned, that is to say, a sum not exceeding one thousand six hundred dollars thereof annually for the payment of the master warden, clerk, office rent, stationary, and other incidental expenses necessarily incurred by the board in the execution of the duties of their office, the remainder thereof to be applied towards removing obstructions in the river Delaware below the city of Philadelphia, in such manner as to the said board shall seem most proper and useful to the navigation of the said river.

SECT. III. *And be it further enacted by the authority aforesaid,* That the board of wardens shall keep fair and true accounts of all their receipts and expenditures under this act, and shall at the expiration of every year, pay over to the state treasurer the balance remaining in their hands, and the same shall remain in the hands of the said treasurer appropriated for the purposes aforesaid and no other, and subject to the drafts of the said board of wardens, and to the end and intent that fair and just accounts shall be kept and settlements made by the said board of wardens of all their transactions in pursuance of this act, they are hereby enjoined and required to exhibit true and just accounts of all monies received and expenses incurred by them in the execution of the duties enjoined by this act, at the expiration of every year, to the auditor-general of the commonwealth, who is hereby authorized and required to settle and adjust the same in like manner as other accounts are settled by him and subject to the like appeal, security, trial and costs, and in like manner to proceed to recover the balance or balances which shall be found to be due from the said board of wardens or any of them, and no compensation more than two per cent. shall be allowed said board, for collecting and paying over the tonnage duty aforesaid.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the preceding sections of this act shall be in force at the expiration of one calendar month after the consent of the congress of the

United States shall be granted to the operation thereof, and shall from such time continue in force for five years, and from thence to the end of the next session of the general assembly, and no longer. And that the act entitled "An act to empower the board of wardens for the port of Philadelphia to collect a certain tonnage duty for the purposes therein mentioned," passed the first day of April, one thousand eight hundred and five, shall continue and be in force for and during the same length of time: *Provided*, The consent of the congress of the United States shall be granted to such continued operation thereof.

1811.

Act of 1st of April, 1795, to continue the same length of time.

Proviso.

SECT. v. *And be it further enacted by the authority aforesaid*, That if upon a settlement of the accounts relative to the wardens' office, and the expenses necessarily incurred in conducting the business thereof, agreeably to the provisions of the act to which this is a supplement, it shall appear that the monies paid by virtue of the said act to the master warden shall not in any year be sufficient to defray the said expenses, it shall be lawful for the auditor-general to draw a warrant or warrants upon the state treasurer from time to time until the thirty-first day of March, one thousand eight hundred and thirteen, and no longer, for the amount of such deficiency which shall be paid out of the funds appropriated for the support of government: *Provided*, That the same shall not in any one year exceed the sum of one thousand six hundred dollars in the whole.

Auditor-general may draw his warrant in favour of master-warden, &c.

Proviso.

SECT. vi. *And be it further enacted by the authority aforesaid*, That the auditor-general be, and he is hereby authorized and instructed to draw his warrant upon the state treasurer in favour of Henry Hawkins, late master warden of the port of Philadelphia, for the sum of three hundred and thirty-six dollars and sixty-seven cents, being the amount of monies paid for the necessary expenses of the wardens' office for the year ending March the thirty-first, one thousand eight hundred and nine, over and above the sum authorized and appropriated by the act to which this is a supplement and that the said sum shall be paid out of the funds, appropriated for the support of government.

Auditor-general to draw a warrant in favour of Henry Hawkins, for 336 dollars, 67 cents.

SECT. vii. *And be it further enacted by the authority aforesaid*, That the auditor-general be, and he is hereby authorized and instructed to draw his warrant on the state treasurer in favour of John Ashmead the present master warden of the port of Philadelphia, for such sum, as on a settlement of his accounts according to law, shall appear to be due to him for the necessary expenses of the wardens' office at the time of passing this act, over and above the sum authorized and appropriated by the act to which this is a supplement, and that the said sum shall be paid out of the funds appropriated for the support of government.

Also in favour of John Ashmead, &c.

SECT. viii. *And be it further enacted by the authority aforesaid*, That the proviso contained in the eighth section of the act to which this is a supplement, and so much of the ninth section thereof as limits the compensation of the clerk of the board of wardens to the sum of five hundred dollars, be, and the same is hereby repealed, provided the compensation of said clerk shall not exceed six hundred dollars per annum.

Parts of former acts repealed.

1811.

CHAPTER MMMCCCXXX.

An ACT enabling a certain description of Pennsylvania claimants, holding lands within the seventeen townships in the county of Luzerne, to institute suits against the commonwealth.

Certain description of Pennsylvania claimants in the 17 townships authorized to institute suits, &c.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That all and every Pennsylvania claimant of lands within the seventeen townships of the county of Luzerne, who had a right to bring a suit or action in the Supreme Court of this commonwealth against the state, under the provisions of the act, entitled "An act for offering compensation to the Pennsylvania claimants of certain lands, within the seventeen townships in the county of Luzerne, and for other purposes therein mentioned," passed April the fourth, one thousand seven hundred and ninety-nine, and the several supplements thereto before the fourth Monday of October, one thousand eight hundred and nine, when the act, entitled "A further supplement to an act, entitled "An act to alter the judiciary system of this commonwealth," passed March the eleventh, one thousand eight hundred and nine, came into operation, and had full force and effect, shall, from and after the passing of this act, be entitled to the same right of suit or action in the Court of Common Pleas of the county of Luzerne, against this commonwealth, as they possessed in the Supreme Court, at or before the said fourth Monday of October, one thousand eight hundred and nine, when the said act of the eleventh of March, one thousand eight hundred and nine, came into operation and had full force and effect.*

Passed 23d March, 1811.—Recorded in Law Book No. XII. page 315.

CHAPTER MMMCCCXXXI.

An ACT authorizing commissioners to fix upon a site for the erection of a bridge over the river Delaware, between Black's Eddy (above Bull's island,) and Wells's falls, and for other purposes.

SECT. 1. [JOHN BARCLAY and others appointed, together with other commissioners to fix the site for erecting a bridge over the Delaware. 2. Similar powers to those given by the legislature of New-Jersey to the governor and Supreme Court, &c. of that state given to the governor, &c. of this state. Assent of this commonwealth given to the act of New-Jersey legislature. 3. Former act repealed.]

Passed 23d March, 1811.—Recorded in Law Book No. XII. page 316.

STATE OF NEW-JERSEY.

An ACT authorizing commissioners to fix upon a site for the erection of a bridge over the river Delaware, between Black's Eddy (above Bull's island,) and Wells's falls, and for other purposes.

SECT. 1. [BY the act of New-Jersey, commissioners are named on their part to fix on a site for the bridge. Fourteen per-

sons to be appointed to take subscriptions; seven for New-Jersey, 1810. and seven for Pennsylvania; and when the company shall be incorporated, the usual powers are vested in them to make contracts, &c. for the purpose of completing the bridge. Privileges to be resumed if the bridge is not commenced within three years and completed within eight years.

The New-Jersey act was passed the eighteenth day of February, one thousand eight hundred and eleven, and an exemplified copy is deposited in the secretary's office of this commonwealth, and recorded in book No. 12, page 317.]

CHAPTER MMMCCCXXXII.

An ACT to enable the governor to incorporate a company for making an artificial road from the court house in the borough of York, to end at or near Wolf's tavern in a direction towards Gettysburg.

SECT. 1. [COMMISSIONERS named, to open books of subscription within a certain time. One hundred dollars price of each share. One month's notice to be given of the time and place of opening books. Two commissioners to attend. Time of keeping open the books. May adjourn and remove the books. Books to be closed when two hundred shares are subscribed. Five dollars to be paid on each share on subscribing, &c. 2. Twenty persons or more, subscribing for one hundred shares, the company to be incorporated, by the name of "The President, Managers and Company, of the York Western turnpike road," with the usual corporate powers and privileges. 3. Commissioners to give notice of the time and place of organizing the company. What officers are to be chosen. Authorized to make by-laws, &c. The powers of the corporation prescribed. Subject to similar duties and restrictions, &c. to those of the Susquehanna and York borough turnpike company. Limitation.]

Passed 23d March, 1811.—Recorded in Law Book No. XII. page 328.

CHAPTER MMMCCCXXXIII.

An ACT to confirm the proceedings of Abraham Mulford and Abisha Woodward, late Sheriffs of Wayne county, and for other purposes.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That all the official acts of Abraham Mulford and Abisha Woodward, late high sheriffs of Wayne county, be, and the same are hereby confirmed and declared to be valid and effectual in the same manner as if the said Abraham Mulford and Abisha Woodward and*

Official acts
of certain
sheriffs in
Wayne county,
made effectual.

1811. their sureties had entered into recognizances agreeably to an act of assembly, passed the twenty-eighth day of March, one thousand eight hundred and three.

Titles to lands derived from the proprietaries, and recorded prior to the 4th of July, 1776, confirmed, although no reference was made therein to warrants, surveys, &c., under which title was derived.

SECT. II. *And be it further enacted by the authority aforesaid,* That all deeds or conveyances of land heretofore recorded in the proper office within the county of Wayne, where the title to land, in such conveyances mentioned was derived from this state or the late proprietaries thereof, before the fourth of July, one thousand seven hundred and seventy-six, shall be effectual to pass the interest of the grantor in and to the lands in such deed or conveyance mentioned, although such conveyance did not expressly refer to and recite the substance of the warrant, survey, patent or title under which the same was derived from this state, or the late proprietaries thereof, before the said fourth day of July, one thousand seven hundred and seventy-six.

Passed 23d March, 1811.—Recorded in Law Book No. XII. page 330.

CHAPTER MMMCCCXXXV.

An ACT to authorize Ichabod Buck and William Buck, their heirs and assigns, to erect and maintain a wing-dam on the north branch of the Susquehanna river, in the county of Luzerne.

SECT. 1. [ICHABOD BUCK and others authorized to erect a wing-dam on the north branch of Susquehanna river, but not to injure the navigation, &c. 2. Complaint of infractions of the law to be preferred to the Court of Quarter Sessions. View to be had, and report made to the said court. Penalty for infraction of the law not to exceed two hundred dollars. To be appropriated to improving the highways in the proper township. Dam to be abated at the cost of the party offending.]

Passed 23d March, 1811.—Recorded in Law Book No. XII. page 332.

CHAPTER MMMCCCXXXVI.

An ACT confirming the title of Christopher Faatz, Jacob Heintz, Christian Heintz, Christopher Heintz, Adam Greiner, and Nicholas Greiner, aliens, to certain lands therein mentioned, and to enable them to hold other lands.

SECT. 1. [CHRISTOPHER FAATZ and others authorized to hold certain lands in Wayne county. 2. Also authorized to purchase and hold other lands not exceeding one thousand acres each, &c.]

Passed 23d March, 1811.—Recorded in Law Book No. XII. page 333.

CHAPTER MMMCCCXXXVII.

An ACT imposing certain duties upon the commissioners and treasurer of Luzerne county, and empowering county commissioners to administer oaths or affirmations.

Sect. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assem-*

bly met, and it is hereby enacted by the authority of the same, That 1811.
 it shall be the duty of the commissioners and treasurer of Luzerne
 county, to keep a separate and distinct account of the monies raised
 and collected from the county district of Susquehanna, and shall
 therefrom pay and discharge all and singular the costs and expen-
 ses of levying, assessing and collecting, the same costs and prose-
 cution chargeable to the county, arising from suits instituted against
 persons within the said county districts; and all rewards for killing
 wolves and other animals of prey; and also all costs and expenses
 of laying out, opening and improving roads, as well as other costs
 and expenses incidental to the said county district, and the remainder
 or surplus thereof shall remain for the use of the said county dis-
 trict, to be paid by an order to be drawn by the commissioners of
 Luzerne county, upon the treasurer of said county, in favour of the
 treasurer of Susquehanna county, for the use of the said county,
 when such officer shall be elected.

Certain du-
ties imposed
on the com-
missioners
and treasurer
of Luzerne
county.

SECT. II. *And be it further enacted by the authority aforesaid,*
 That the county commissioners of the respective counties within this
 commonwealth, are hereby authorized and empowered to adminis-
 ter oaths or affirmations in all cases that relate to the duties of their
 offices.

Passed 23d March, 1811.—Recorded in Law Book No. XII. page 334.

CHAPTER MMMCCCXXXVIII.

*An ACT relinquishing to Elizabeth Boise, the right of this common-
 wealth to a certain escheated estate therein mentioned.*

SECT. 1. [CLAIM of the commonwealth to an escheated es-
 tate released to Elizabeth Boise, &c. but not to affect other private
 rights.]

Passed 23d March, 1811.—Recorded in Law Book No. XII. page 335.

CHAPTER MMMCCCXLI.

An ACT to establish the boundary lines of Ontario county.

SECT. I. *BE it enacted by the Senate and House of Represen-
 tatives of the commonwealth of Pennsylvania, in General Assembly
 met, and it is hereby enacted by the authority of the same, That*
 the trustees of the county of Ontario are hereby authorized and re-
 quired to establish a point east of the Slippery Rocks, (so called) at
 the head of Wyalusing falls in the river of Susquehanna, for the
 south east corner of Ontario county; from thence a line west to the
 said Slippery Rocks; from thence a south-westerly course to the
 nearest point of Lycoming county, is hereby established as a south-
 ern boundary of the said county, in every other respect the bound-
 ary-lines of the said county shall remain as heretofore established.

Trustees of
Ontario
county to
mark the
boundaries
of said coun-
ty.

Passed 28th March, 1811.—Recorded in Law Book No. XII. page 337.

1811.

CHAPTER MMMCCCXLIII.

An ACT to enable the governor to incorporate a company for making an artificial road from the Portage branch of the Allegheny river at Smethport, by the way of Instanter and Rich Valley, to the Portage branch of the river Sinnemahoning, in the county of M^cKean.

SECT. 1. [COMMISSIONERS nominated to open books of subscription. Shares fifty dollars. Notice to be given of the time and place of opening the books. How long books are to be kept open. Power to adjourn and transfer books. Five dollars for each share to be paid on subscribing. 2. Twenty persons or more having subscribed one hundred shares, the company to be incorporated. Style of the corporation to be "The President, Managers and Company of the Allegheny and Susquehanna turnpike road," with the usual corporate powers. 3. Notice to be given of the time and place for organizing the company. What officers are to be chosen, and in what manner. Power to make by-laws, &c. Tolls to be regulated by the Susquehanna and Lehigh turnpike act, and other privileges as in that act, &c. Limitation.]

Passed 28th March, 1811.—Recorded in Law Book No. XII. page 338.

CHAPTER MMMCCCXLIV.

A SUPPLEMENT to an act, entitled "An act to authorize the governor to appoint commissioners for the purpose of laying out a road, beginning at or near Kelso's ferry in Cumberland county, through York and Adams counties, to the Maryland line, in a direction to the city of Washington."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the governor be, and he is hereby authorized to appoint three commissioners to review and lay out a road, beginning at the state road leading from Harrisburgh to Carlisle, at or near Kelso's ferry in Cumberland county, by the nearest and best route to or near Eichelberger's tavern, in York county, through Gettysburgh in Adams county, to the Maryland line, in a direction to the city of Washington; and the commissioners shall proceed to perform the said service at such time or times as the governor shall direct; and they shall deposit a copy of said draft in the office of the clerk of the Court of Quarter Sessions in each county through which said road shall pass, together with the width of said road, and the clerk shall enter the same on the records respectively, which shall be a record of said road, and shall from thenceforth be a public highway to all intents and purposes, and shall be kept in repair as roads laid out by the Courts of Quarter Sessions are in the counties aforesaid; and that the road heretofore laid out by the commissioners in pursuance

Governor to appoint commissioners to review and lay out a road from Kelso's ferry to the Maryland line, &c.

To direct when they shall proceed.

Draft of the road to be deposited with the clerk of the sessions in the proper counties.

Road to be kept in repair in the usual manner.

of the act to which this is a supplement, be vacated, and every part thereof be null and void; and the said commissioners, and those employed by them for the purpose aforesaid, shall have and receive for their service, the same compensation as is allowed by the second section of the act to which this is a supplement, and be paid in manner as is therein directed.

1811.

Passed 28th March, 1811.—Recorded in Law Book No. XII. page 341.

CHAPTER MMMCCCXLV.

An ACT to authorize and direct the governor to incorporate a company for erecting a permanent bridge over the river Schuylkill, at or near where the floating bridge of Abraham Sheridan is at present situate, known by the name of "The Upper Ferry," in the county of Philadelphia.

SECT. 1. [COMMISSIONERS appointed to open books of subscription. Shares fifty dollars each. Notice to be given of the time and place of opening the books. Who may subscribe. Power to adjourn and transfer books. When to be closed. How shares to be apportioned in certain cases. Five dollars to be paid on each share at subscribing. 2. Company to be incorporated, when all the shares are subscribed, by the name of "The Managers and Company for erecting a Permanent Bridge over the river Schuylkill, at or near where the floating bridge is at present situate and known by the name of the Upper Ferry," with the usual powers. May enlarge their stock. 3. Notice to be given of the time and place of organizing the company. What officers to be chosen by ballot. Company empowered to make by-laws, &c. 4. The time of meetings of the stockholders. 5. Certificates of stock to be signed by the president and treasurer, and sealed. Ten dollars to be paid on each share. Manner of transfers. 6. Five members to constitute a quorum. To appoint engineers, &c. Fix salaries and wages. Draw orders on the treasurer, &c. In the absence of the president, orders to be signed by a majority of a quorum and clerk. 7. Penalty for neglect of paying the proportion of stock called for. In what case the said stock to be forfeited, and sold. 8. President and managers to keep fair and just accounts of all monies received and expended, and submit the same annually to the stockholders. In what case the number of shares may be increased. Surplus, if any, to be appropriated to the improvement of certain roads. 9. Bridge to be thirty feet wide, and when completed, vested in the company and their successors. Rate of toll to be received: *Provided*, That no toll shall be taken from any person attending funerals, or walking in military procession or from persons belonging to the militia, in going to or returning from muster, on days of training; and that in charging toll on all carriages drawn wholly or in part by oxen, two oxen shall be estimated as equal to one horse: And that nothing in this act contained shall extend to authorize the said company to erect said bridge without the consent of the owners of the ground on each side of, and contiguous to the river, or to erect the same in such manner as to injure, stop, or inter-

Further proviso.

1811. cept, the navigation of the said river by boats, rafts, or other vessels without masts. 10. When the tolls exceed nin per cent. surplus to be applied to repairing the roads leading to the bridge, for two ty-five years. And then to be applied to the redemption of the bridge. Proviso for redemption of the bridge. 11. Penalty for exacting illegal tolls. And to be applied to the use of the poor. 12. Account to be kept of the amount of tolls received. Dividends to be made annually on the first Monday of January or July. To publish the dividends to be made, and when and where to be paid. 13. At the end of twenty-one years to lay their accounts before the legislature. 14. Work to commence within two and completed within five years. 15. Penalty for wantonly injuring the bridge, or wilfully obstructing the passage. How penalties recoverable. Time of commencing suit limited to thirty days, &c.]

Passed 28th March, 1811.—Recorded in Law Book No. XII. page 342.

CHAPTER MMCCCXLVI.

An ACT to authorize the governor of this commonwealth to incorporate a company for erecting a permanent bridge over the river Susquehanna, at or near M'Call's ferry, in the county of Lancaster.

SECT. 1. [COMMISSIONERS appointed to open books of subscription. To be opened on or before the first of June next. Five dollars to be paid at the time of subscribing. Price of shares one hundred dollars each. Stock to be divided into one hundred shares. Notice to be given of the time and place of opening books. Who may subscribe, &c. One hundred shares to be reserved for a special purpose. 2. When two hundred shares are subscribed the company to be incorporated. Style of the corporation to be "The President, Directors and Company, for erecting a permanent bridge over the river Susquehanna, at or near M'Call's ferry," with the usual powers. 3. Five persons first named in the letters patent to give notice of the time and place of organizing the company. What officers are to be chosen, and how. Authorized to make by-laws under certain restrictions. Stockholders to have only one vote. 4. First meeting to be held on the first Monday in May; times of meeting thereafter to be directed by the company. 5. Form of certificates of stock, and how transferable. 6. Stockholders to appoint five commissioners to fix upon a site for the bridge, &c. 7. Five members to form a quorum. Keep a record of their proceedings. Power to appoint engineers, &c. and fix wages and salaries, &c. Bridge to be erected within ten years. Its construction prescribed. 8. Penalty on stockholders neglecting to make payment at the time prescribed. In what cases the shares may be forfeited. 9. President and directors to keep fair accounts, &c. And submit the same annually to the stockholders. If the capital stock be inadequate, mode of increasing it. Surplus, if any, to be returned to stockholders. 10. Property of the bridge when completed, to be vested in the company. Rate of tolls prescribed: *Provided*, That children going to, or returning from school, shall pass and repass free from

tolls, and that nothing in this act contained, shall extend to authorize the said company to erect a bridge, without the consent of the owners of the ground on each side of, and contiguous to the said river where the said bridge may be erected, or to erect the same in such manner as to injure, stop, or interrupt the navigation of the said river, by boat, craft or raft. Nett proceeds of toll above fifteen per cent. to be appropriated for the redemption of the bridge, except what is necessary to keep it in repair. If the redeeming fund be adequate in less than fifty years, bridge to be free, except toll sufficient to keep it in repair. Bridge at any time after the expiration of fifty years may be redeemed at an appraised value. But if not redeemed, corporation to continue. 11. Penalty for exacting illegal tolls, or for not keeping it in repair. Before whom recovered and how appropriated. Suit to be brought within thirty days. 12. Accounts of tolls to be kept, and dividends made. On the first Mondays in May or November, publish the dividends. And when and where they shall be paid. 13. Abstract of accounts to be triennially exhibited to the legislature. 14. When to commence and when the bridge to be completed, or charter privileges forfeited to the commonwealth. 15. Penalty for injuring the bridge, &c. or obstruct the passage. How penalties to be recovered and appropriated.]

Passed 30th March, 1811.—Recorded in Law Book No. XII. page 350. (f)

(f) Twenty thousand dollars to be subscribed to the stock of this company, by act of 2d April, 1811. (post.)

CHAPTER MMMCCCXLVII.

An ACT to enable the governor to incorporate a company to make an artificial road from Anderson's ferry on the Susquehanna, to intersect the turnpike leading from Columbia, to the borough of York, at or near the three mile stone.

SECT. 1. [COMMISSIONERS appointed to open subscription books on or before the first Monday of June next. To give notice of the time and place of opening the books. Who may subscribe. Books to be kept open until two hundred shares are subscribed. May adjourn from time to time. Five dollars to be paid on each share on subscribing. 2. Twenty persons or more having subscribed seventy-five shares, the company to be incorporated by the name of "The President, Managers and Company, of the Anderson's ferry and York turnpike road," with the usual corporate powers. 3. Notice to be given of the time and place of organizing the company. What officers are to be chosen, and in what manner. Authorized to make by-laws, &c. To have like powers, privileges, &c. as the Susquehanna and York borough turnpike company.]

Passed 30th March, 1811.—Recorded in Law Book No. XII. page 358.

CHAPTER MMMCCCL.

An ACT to provide for the erection of an additional court within the city and county of Philadelphia.

WHEREAS the Court of Common Pleas of the city and county of Philadelphia from the various objects of its jurisdiction

'1811.

1811. and the great increase and accumulation of business, is incompetent to the speedy and effectual administration of justice to the citizens of that district: For remedy whereof,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That there shall be a court of record established in and for the city and county of Philadelphia, by the name and style of "The district court for the city and county of Philadelphia," which shall consist of a president and two assistant judges, any two of whom, in case of the absence, or inability of the other, shall have power to try, hear and determine all civil pleas and actions, real, personal, and mixed, and for the trial of all such pleas and actions shall have and exercise the same powers, authorities and jurisdiction as are now vested by law in the Court of Common Pleas for the city and county of Philadelphia: *Provided,* That the said court shall have no jurisdiction either originally or on appeal, except where the sum in controversy shall exceed one hundred dollars.

SECT. II. *And be it further enacted by the authority aforesaid,* That from and after the first Monday of June next, all suits and causes depending in the Court of Common Pleas of the city and county of Philadelphia, where the sum in controversy exceeds one hundred dollars, shall be transferred to the said district court, there to be heard, tried and determined, and the original jurisdiction of the said Court of Common Pleas of the city and county of Philadelphia, in all civil actions where the sum in controversy exceeds one hundred dollars, shall thenceforth cease and determine.

SECT. III. *And be it further enacted by the authority aforesaid,* That no suit shall be removed from the District Court by certiorari or habeas corpus, but that in all cases the final judgment of the said District Court may be examined and affirmed, or reversed on a writ of error from the Supreme Court in a similar manner, and subject to the same limitations and provisions under which writs of error are now issued from the Supreme Court to the Court of Common Pleas of the city and county of Philadelphia.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the said District Court shall hold four terms in the course of each year, one to begin on the first Monday in June, the second on the first Monday of September, the third on the first Monday of December, and the fourth on the first Monday of March respectively; and shall have full power, and are hereby enjoined to hold adjourned courts whenever the state of the business shall require it, and also make such regulations of practice as may most facilitate the progress of justice: *Provided always,* That if the number of suits before the said court should render it necessary, the judges of the said court shall sit daily, (Sundays only excepted,) during at least nine months in every year: *And provided also,* That the determination of no cause or action before the said court shall be delayed beyond the fourth term including that to which the said action was instituted, if the parties be prepared for trial at the times appointed by the said court, and if the judges of said court should wilfully delay any cause, suit or action in readiness for trial as aforesaid, it shall constitute a misdemeanor in office.

District court for the city and county of Philadelphia to be established.

To consist of a president, &c.

Not to have jurisdiction of claims under one hundred dollars.

Certain suits now in the Common Pleas of Philadelphia county, to be removed into the district court.

No suit to be removed by certiorari or habeas corpus, from the district court.

Shall hold four terms in the year, and when.

No cause to be delayed beyond the fourth term, &c.

SECT. V. *And be it further enacted by the authority aforesaid,* 1811.
That the president of said District Court shall receive a yearly compensation of two thousand dollars, and the assistant judges shall each receive the sum of five hundred dollars, *payable quarterly out of any unappropriated money in the treasury. Salaries of the judges [* Post.]

SECT. VI. *And be it further enacted by the authority aforesaid,* Prothonotary, sheriff and coroner of the city and county to obey the orders of the district court.
That the prothonotary for the time being of the Court of Common Pleas of the city and county of Philadelphia shall perform all the duties of prothonotary of the said District Court, and the sheriff and coroner for the time being of the city and county of Philadelphia shall obey all lawful orders of the said District Court; and all the costs and fees now established by law in the Courts of Common Pleas shall be charged and payable in similar instances in the District Court. Fees to be allowed in.

SECT. VII. *And be it further enacted by the authority aforesaid,* Court to be opened, &c., on the first Monday of May next.
That the said court shall be opened for the purpose of issuing mesne process, on the first Monday of May next, which shall be for that purpose a teste day of all process relative to the first term on or before which day the judges of the said court shall be appointed.

SECT. VIII. *And be it further enacted by the authority aforesaid,* Mode of selecting jurors to serve in the district court.
That the names of jurors, to serve at the said court shall be drawn from the wheels provided for special and general jurors, in the county of Philadelphia, agreeably to the directions of an act, entitled "An act directing the mode of selecting and returning jurors," passed twenty-ninth of March, one thousand eight hundred and five, and the sheriff and commissioners of the said county shall forthwith after the passing of this act put into said wheel the names of a competent number of jurors to serve at said District Court for the remainder of the present year, and shall annually afterwards, at the time appointed by law for putting into the said wheel the names of the general and special jurors for the said county, add a competent number to serve at the said District Court agreeably to the provisions of the law in such case made and provided.

SECT. IX. *And be it further enacted by the authority aforesaid,* Limitation of this act.
That this act shall be and continue in force for the term of six years and no longer.

Passed 30th March, 1811.—Recorded in Law Book No. XII. page 362.

CHAPTER MMMCCCLI.

An ACT establishing an academy in the county of Chester.

SECT. 1. [COMMISSIONERS appointed. When and where to meet. Shall fix upon a site for the erection of an academy in Chester county. Shall receive a deed of trust, &c. To be sworn or affirmed, &c. 2. An academy established in Chester county. Style and title "The Chester Academy." Trustees appointed. First meeting of, fixed. 3. Two thousand dollars appropriated for said academy. Election of succeeding trustees and their duties. No part of the above appropriation to be paid until one thousand dollars are subscribed, &c.]

Passed 30th March, 1811.—Recorded in Law Book No. XII: page 364.

CHAPTER MMMCCCLII.

1811.

[Vol. 4, pa.
35]

A SUPPLEMENT to the act, entitled "An act to incorporate that part of the township of the Northern Liberties lying between the west side of Sixth-street and the river Delaware, and between Vine-street and the Cohocksink creek," passed the twenty-ninth day of March, one thousand eight hundred and three.

Commission-
ers of a cer-
tain part of
the North-
ern Liberties
authorized
to establish a
watch, &c.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the commissioners and inhabitants of that part of the township of the Northern Liberties lying between the west side of Sixth-street and the river Delaware, and between Vine-street and the Cohocksink creek, shall have full power and authority to establish a nightly watch, and to fix so many lamps within their corporate bounds as from the present state and future improvement of the district may in their discretion appear necessary and proper; to connect and arrange the streets, lanes and alleys, now lighted and watched, and which may hereafter be lighted and watched, into one or more districts for the more convenient watching thereof, from time to time, as to them may appear advisable and proper, and all the necessary expenses shall be defrayed by an assessment agreeably to the county rates and levies: *Provided always, That* nothing herein contained shall be so construed as to authorize the commissioners to connect any district with the districts heretofore established, until the lamps, watch-houses, implements, and other necessities are completely fixed and procured, at the proper cost and expense of the inhabitants residing or holding property in such district so to be attached to or connected with any district before established, so that all the districts, streets, lanes and alleys are placed on the same footing in all respects, as near as may be before such connection shall or may take place.

Expenses of,
how paid.

Proviso.

Assessments
how to be
made.

SECT. II. *And be it further enacted by the authority aforesaid, That* the commissioners aforesaid shall have full power and authority to lay yearly and every year, any rate and assessment not exceeding forty cents in every hundred dollars of the clear value of all the estate, real and personal, within their corporate bounds, and a proportionable personal tax on the free, male, white inhabitants, residing therein, for the purpose of defraying the expense set forth in the twenty-eighth section of the act to which this is a supplement, any thing therein contained to the contrary notwithstanding.

Bounds of
said commis-
sioners' ju-
risdiction.

SECT. III. *And be it further enacted by the authority aforesaid, That* the board of commissioners aforesaid shall have the same power and jurisdiction on the west side of Sixth-street, between Vine-street and Cohocksink creek, and the inhabitants residing or holding property thereon, shall be entitled to the same privileges as if the west side of said street was originally included in the corporate bounds: *Provided always, That* if Penn township shall hereafter be incorporated, and the west side of Sixth-street included therein, the jurisdiction of the board of commissioners of the incorporated part of the Northern Liberties, together with the privileges

Proviso.

hereby granted, shall cease and determine: *Provided also*, That 1811.
 after the jurisdiction of the commissioners of the incorporated part Further proviso.
 of the Northern Liberties shall cease and determine on the west
 side of Sixth-street, the inhabitants of the incorporated part of the
 Northern Liberties shall not be liable for any expense that may in-
 cur beyond the middle of Sixth-street, but that all expenses that
 may be incurred on said street shall be defrayed at the joint ex-
 penses of the two corporations.

SECT. IV. *And be it further enacted by the authority aforesaid*, But one su-
pervisor to
be elected
hereafter in
the Northern
Liberties.
 That from and after the passing of this act, the inhabitants of the
 township of the Northern Liberties shall elect but one supervisor
 of the public highways, and the said supervisor of the aforesaid
 township shall pay annually into the hands of the treasurer of the
 said corporation, one half of the monies by him collected for the re-
 pairs of the public highways, which sum shall be appropriated by How monies
collected by
him to be
paid over,
and appro-
priated.
 the before mentioned commissioners for the purpose of repairing
 and cleansing the streets within the district aforesaid, and paving
 the intersections thereof: *And provided*, That the duties of the
 supervisor of the west part of the township aforesaid, shall cease and
 determine after the passing of this act.

SECT. V. *And be it further enacted by the authority aforesaid*, Said commis-
sioners au-
thorized, &c.
 That the said commissioners shall have full power and authority,
 and they are hereby directed upon the application of a majority of
 the inhabitants residing in any street, lane, or alley, to establish
 lamps and a nightly watch; and upon like application of a majority
 of the freeholders, they shall have full power and authority to pitch
 and pave any such street, lane or alley within the said district.

SECT. VI. *And be it further enacted by the authority aforesaid*, Part of the
original law
repealed.
Proviso.
 That so much of the act to which this is a supplement, as is altered or
 supplied by this act, be, and the same is hereby repealed: *Provided*
always, That nothing herein contained shall be construed to pre-
 vent the recovery of any tax or forfeitures, or other monies incur-
 red or justly due, but that all such monies shall and may be re-
 coverable as though this act had not been passed.

Passed 30th March, 1811.—Recorded in Law Book No. XII. page 365.

CHAPTER MMMCCCLIII.

A SUPPLEMENT to the act, entitled "An act to authorize the [Post.]
governor of this commonwealth to incorporate a company for the
purpose of making and erecting a bridge and road over the north-
east branch of the river Susquehanna, in the county of Northum-
berland, from the public highway opposite the plantation of Tho-
mas Grant, to Shamokin island through the public way of Shamo-
kin island to the shore opposite Northumberland, and from thence
to the town of Northumberland."

SECT. 1. [SIX and a quarter cents to be paid for passing over
 the bridge, &c. for every foot passenger and head of horned cattle.
 When one thousand six hundred shares are subscribed, &c. the sub-
 scribers to be incorporated. 3. If at the end of three years, &c. the divi-

1811. dends do not amount to eight per cent. the tolls may be raised. 4. John Philip Degruchy and George Kremer appointed commissioners in the room, &c. 5. Company to begin the work within four years, and complete it in ten, otherwise the rights granted to them to be resumed. 6. Part of the original law repealed.]

Passed 30th March, 1811.—Recorded in Law Book No. XII. page 367.

CHAPTER MMMCCCLIV.

[See vol. 2, pa. 19.] *An ACT to amend and consolidate the several acts relating to the settlement of the public accounts, and the payment of the public monies, and for other purposes.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That all accounts between the commonwealth and any person or persons, body politic or corporate, as well those with the officers of the revenue as other persons entrusted with the receipt, or who have or hereafter may become possessed of public money, also the accounts of all persons having claims on the commonwealth, except as are hereinafter excepted, shall be examined and adjusted by the auditor-general according to law and equity.*

SECT. II. *And be it further enacted by the authority aforesaid, That to enable the auditor-general to examine and adjust the public accounts, he is hereby invested with power to compel all persons in the receipt or possession of public monies to render to him their accounts, and to enforce the attendance (in the manner hereinafter pointed out,) at his office of such persons, whether party or witnesses, whom he may deem necessary to examine in the investigation of any public account, and to administer all necessary oaths or affirmations; and the auditor-general is hereby also invested with power to compel the exhibition or delivery to him, (as the case may be) by any person possessing the same, in the manner hereinafter pointed out, of all official or public books, accounts, documents or papers, which have any relation to, or connection with any public account, and which he may deem necessary in the investigation and adjustment of the same: Provided however, That if by reason of the distance of residence from the seat of government, or from any sufficient cause, satisfactory to the auditor-general and state treasurer, it be found impracticable or difficult to procure the attendance of such person at the office of the auditor-general, for the purpose of giving information respecting any public account, it is hereby made the duty of the auditor-general to procure the testimony of all such persons, to be taken before any judge of a Court of Common Pleas, or Justice of the Peace, on a commission with interrogatories annexed, issued under the hand and seal of office of the said auditor-general.*

SECT. III. *And be it further enacted by the authority aforesaid, That when any public account is examined and adjusted, entered*

All accounts between the commonwealth and others, to be adjusted by the auditor-general.

Powers of the auditor-general.

Testimony of absent witnesses may be taken, &c.

Accounts, &c. settled by the au-

in the books of the office and signed by the auditor-general, it shall be submitted, together with the vouchers and all other papers and information appurtenant thereto, to the state treasurer for his revision and approbation, and in order that the state treasurer may be enabled to revise and examine the accounts so submitted to him, he is hereby invested with powers similar to those vested in the auditor-general by this act. 1811.

auditor-general to be submitted to the treasurer for revision.

SECT. IV. *And be it further enacted by the authority aforesaid,* That if any person attending at the office of the auditor-general on his summons, shall refuse to exhibit his account or to answer such questions touching the same as may be put to him by the auditor-general, unless such answer shall have a tendency to criminate such person, the auditor-general shall have power to commit such person to the common gaol of the county wherein the seat of government shall then be, there to be holden, until such person comply with this act or be otherwise discharged by due course of law.

Persons refusing to produce their accounts to auditor-general, to be imprisoned, unless, &c.

SECT. V. *And be it further enacted by the authority aforesaid,* That the state treasurer shall return all accounts and vouchers, and other papers appurtenant thereto, within a reasonable time to the auditor-general, signed by him if he approve thereof, but if he disapprove of any account he shall state in writing the reasons for such disapprobation, and if upon re-consideration of the account so disapproved of by the state treasurer, the auditor-general and state treasurer cannot agree, it shall be the duty of the auditor-general to lay the account and vouchers, and other papers appurtenant thereto, before the governor together with his own reasons, and the reasons of the state treasurer respecting the same, and the decision of the governor thereon shall be conclusive as to the said officers, and the governor shall return the said account, vouchers and papers, with his decision in writing, to the auditor-general, who, and the state treasurer, shall act thereon as in cases of their agreement, and accounts so settled shall be subject to appeal, and all other proceedings as in other settlements.

All accounts, &c. to be returned by the state treasurer to auditor-general.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the auditor-general shall draw his warrant on the state treasurer for the amount or balance of all accounts settled agreeably to this act, which are in the nature of claims on the commonwealth, and for which there is an appropriation by law, and all accounts and vouchers, and other papers appurtenant thereto shall be filed in the office of the auditor-general, copies of which, or of books, or any other documents in said office under the hand and seal of the auditor-general, shall be admitted to be read in evidence in all courts of law and elsewhere, in this commonwealth.

Auditor-general to draw his warrant on the treasurer for the amount of settled accounts.

SECT. VII. *And be it further enacted by the authority aforesaid,* That in all cases where the laws recognize a claim on the commonwealth and there is no appropriation of money to pay the same, it shall be the duty of the auditor-general and state treasurer to adjust and settle the accounts of such claims as other accounts, and the auditor-general shall immediately report the same to the legislature, if in session, but if not in session, then during the first week of the next ensuing session.

Claims, for which there is no appropriation, to be adjusted, &c.

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Treasurer to
pay all sala-
ries, &c.

May refer
decrees for
pensions,
&c.

Debtors to
be furnished
with copies
of their ac-
counts, &c.

And also the
state treasur-
er.

Who shall
proceed to
recover the
same.

Is authoriz-
ed to employ
attornies,
&c.

Appeal
granted from
the decision
of the ac-
countant of-
ficials.

Appeal to be
filed within
60 days.

Party appel-
ling to enter
security, &c.

No appeal to
such as re-
fuse to exhi-
bit their ac-
counts.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the state treasurer shall pay all grants,* salaries, annuities, gratuities, and pensions established by law, and make all other payments which are or shall be so fixed by law, that the sum to be paid cannot be affected by the settlement of any account, nor increased nor diminished by the discretionary powers of the auditor-general and state treasurer: *Provided however,* That in relation to pensions payable under decrees of courts, the state treasurer may, if he deems it proper, refer the said decrees or certificates back to the court for revision, stating his reasons therefor.

SECT. IX. *And be it further enacted by the authority aforesaid,* That within thirty days after the settlement of an account agreeably to this act, on which a balance appears to be due to the commonwealth, the auditor-general shall send by mail or otherwise, to the person or persons indebted, a copy thereof under his hand and seal of office; and if the amount or balance of such account shall not be paid into the state treasury within six months after the date of settlement, the auditor-general shall have a second official copy of all such accounts, made and put into the hands of the state treasurer.

SECT. X. *And be it further enacted by the authority aforesaid,* That the state treasurer, immediately upon the receipt of a copy of any public accounts, agreeably to the next preceding section, shall proceed to recover the amount, or balance due thereby to the commonwealth, by due course of law, for which purpose he is hereby authorized to employ and pay attornies and all other persons, and to do all things by himself, or by such attornies or other persons whom he may employ, which may be necessary and are proper in the recovery of public monies.

SECT. XI. *And be it further enacted by the authority aforesaid,* That if any person or persons, body politic or corporate, be dissatisfied with the settlement of his, her or their account, by the auditor-general and state treasurer, he, she, or they may appeal therefrom to the Court of Common Pleas of the county in which the seat of government shall then be, and such appeal shall be transmitted by the auditor-general to the clerk of the said court, to be by him entered of record, subject to like proceedings under the directions of the state treasurer as in common suits: *Provided however,* That the appeal be filed in the office of the auditor-general within sixty days after notice of such settlement, and be accompanied with a specification of objections to the said settlement, and that the person or party appealing shall enter sufficient security before one of the judges of the Court of Common Pleas within ten days next after such appeal, to prosecute such appeal with effect, and to pay all costs and charges which the court or arbitrators shall award, and also pay any sum of money which shall appear by the judgment of the said court, or award of arbitrators, to be due by him, her or them to the commonwealth: *Provided nevertheless,* That where any proceedings shall be had against any person or persons who, upon summons and demand made, in pursuance of this act, shall have

* The word "grants" is interlined, with a lead pencil, in the original law.

refused or neglected to exhibit his, her or their account to the auditor-general as by this act is directed, such person or persons shall not be allowed any appeal from the settlement of the accountant officers but the same shall be final.

SECT. XII. *And be it further enacted by the authority aforesaid,* That the amount or balance of every account settled agreeably to this act due to the commonwealth, shall be deemed and adjudged to be a lien from the date of the settlement of such account on all the real estate of the person or persons indebted, and on his or their securities throughout this commonwealth.

Balance of settled account to be a lien, &c.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That the state treasurer with the approbation of the auditor-general, is hereby authorized at any time after the final settlement of any account, if he deems it conducive to the public interest, to compromise with any public debtor or his sureties for the payment of the debt by instalments: *Provided,* That the amount of the debt be not lessened nor the security of it impaired, and that both principal and interest with costs shall be paid within seven years from such compromise.

Treasurer may receive payment by instalments.

Proviso.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That in case any person neglects or refuses to furnish his account, and the auditor-general and state treasurer should deem it more conducive to the public interest, by reason of the supposed smallness of the debt or from any other circumstance, not to proceed to compel the exhibition of such account, but to make an estimated statement from the previous account settled, or from any other reasonable data, of the probable amount of the account of such delinquent, they, the said auditor-general and state treasurer are hereby authorized so to do: *Provided however,* That they add to every such estimated account, not exceeding fifty per cent. on its amount, to include any losses which might otherwise accrue to the commonwealth from such neglect or refusal to furnish accounts; and the state treasurer shall proceed in the recovery of monies so due the commonwealth as in other cases: *And provided also,* That no allowance for commissions shall in any instance be made by the accountant officers, in cases of refusal or neglect to furnish accounts.

Proceedings where the account is so small as to render their production by delinquents unnecessary.

Fifty per cent. to be charged on such accounts, to cover losses, &c.

Proviso.

SECT. XV. *And be it further enacted by the authority aforesaid,* That the state treasurer may, if he deems it conducive to the public interest, proceed immediately against the sureties of any public delinquent.

Sureties may be proceeded against.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That the auditor-general and state treasurer at the request of each other, or of the party, shall revise any settlements made by them, except such as have been appealed from or which by any other proceedings have been taken out of their offices, if such request be made within twelve months of the date of settlement; but after that time no settlement on which a final discharge has been granted shall be opened, but the same shall be quieted and finally closed.

Settlements upon request may be revised.

Such request to be made within 12 months.

SECT. XVII. *And be it further enacted by the authority aforesaid,* That the accounts of county treasurers for any monies received by them for tavern licenses and exempt fines, shall be settled, on or before the last day of December, in each and every year, and the

Accounts of county treasurers when to be settled.

1811.

Commission
allowed to.

monies so received paid over to the state treasurer, "within three months, deducting therefrom a commission in the following proportion, *viz.* For any sum not exceeding five hundred dollars, five per cent. when the amount exceeds that sum, five per cent. on the first five hundred dollars, and at the rate of two per cent. for all above that sum, until it amounts to one thousand dollars, and at the rate of one per cent. for all in addition to the sum last mentioned, which the accountant officers are hereby directed to allow; and it is hereby made the duty of the county treasurers to enforce the payment by collectors of militia exempt fines, in the same manner as the payment of county rates and levies are enforced.

Penalty on
county treasurers
neglecting to
settle, &c.

SECT. XVIII. *And be it further enacted by the authority aforesaid,* That if any county treasurer shall neglect or refuse to settle and pay into the state treasury the monies which they shall receive for tavern licenses and militia exempt fines, within the time specified in the next preceding section, the accountant officers shall not allow him any commission on the sum or sums so refused or neglected to be paid into the state treasury.

Secretary to
sign tavern
licenses, &c.

SECT. XIX. *And be it further enacted by the authority aforesaid,* That the secretary of the commonwealth shall sign the blanks issued by him for tavern licenses, and cause to be marked thereon, the county and term for which they are issued, and make report quarterly to the auditor-general, of the number issued, designating the county and term for which they were issued, and the clerks of the several courts in which applications are made for tavern licenses, shall receive forty cents and no more from any person for reading a petition or application for license, and seventy-five cents and no more, for issuing every recommendation for the same.

Fees allowed
to clerks of
courts, &c.

How tavern
licenses are
to be deliv-
ered.

SECT. XX. *And be it further enacted by the authority aforesaid,* That the county treasurer on receiving the blank licenses, shall deliver them to the persons recommended by the court, on their application and payment therefor, and report quarterly to the judges of the court, the names of the persons who have not paid for and taken out their licenses, whereupon the judges shall direct indictments to be preferred before the grand jury against such delinquents for keeping tipling houses, if it appear that they sold spirituous liquors by the small measure, after they were recommended by the court; and it shall not be lawful for the judges of any court to recommend any person for a license to keep a public house who has not paid the price of his preceding year's license: and all county treasurers neglecting to make report of those who do not pay for and take out their licenses within the time herein mentioned, shall be deprived of one half of their commission on license money, in the settlement of their accounts with the accountant officers.

Penalty on
treasurers
neglecting to
report delin-
quents.

Penalty on
brigade in-
spectors ne-
glecting to
furnish lists
of exempts.

SECT. XXI. *And be it further enacted by the authority aforesaid,* That the brigade inspectors shall within sixty days after they shall have received the lists of exempts, agreeably to the act of the ninth April, one thousand eight hundred and seven, entitled, "An act to regulate the militia of the commonwealth of Pennsylvania," or of any act which may be hereafter passed, transmit a copy thereof to the auditor-general; and the commissioners of the respective counties, after having received the returns of the exempts from the bri-

gade inspector, agreeably to the same act, or any other act which may be hereafter passed, shall annually, within sixty days thereafter transmit to the auditor-general a statement, under oath or affirmation, of the amount of militia exempt fines inserted in the duplicates of the county taxes, together with a certificate of the exonerations thereof, made by the court of appeals, but should there be no list of exempt fines returned by the captains to the brigade-inspector, or by the brigade-inspector to the county commissioners, it shall be the duty of the brigade-inspector and county commissioners to make report to the auditor-general to that purpose.

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Return to be made to the auditor-general, &c.

Penalty on brigade inspector neglecting the duty before enjoined.

How recoverable.

Salary of brigade-inspector to be withheld, &c.

Neglect of county commissioners to be certified, &c.

Commissioners to certify the appointment of a treasurer.

How far bonds of county treasurers to be binding.

Copies of such bonds to be evidence, &c.

SECT. XXII. *And be it further enacted by the authority aforesaid,* That in case of neglect by any brigade-inspector of the duty enjoined on him by the next preceding section, he shall forfeit and pay to the commonwealth the sum of one hundred dollars, and for every neglect by the commissioners of any county, of the duty enjoined on them by the said section, they shall severally forfeit and pay to the commonwealth the sum of one hundred dollars, to be sued for and recovered under the direction of the state treasurer, as well as all other fines and forfeitures under this act, as debts of equal amount are or shall be by law recoverable, and the certificate under the seal of the auditor-general shall be sufficient evidence of such neglects; and it shall be the duty of the state treasurer to withhold the payment of the salary and other claims and allowances of every brigade-inspector so neglecting his duty, to the amount of the penalty hereby imposed, until the same be paid, or such inspector shall be otherwise legally discharged therefrom; and it shall be the duty of the auditor-general, in case the commissioners of any county neglect to make return or report, as the case may be, agreeably to the next preceding section, to certify the same to the treasurer of the county to which such commissioners belong, whereupon the said county treasurer shall not thereafter pay to either of the said commissioners any monies for their compensation or wages as commissioners, until the penalty imposed by this act be paid, or the said commissioners shall be otherwise legally discharged therefrom.

SECT. XXIII. *And be it further enacted by the authority aforesaid,* That within ten days after the appointment of a county treasurer it shall be the duty of the county commissioners to grant such treasurer a certificate of his appointment, which shall be entered of record in the office of recorder of deeds of the county, without which certificate and recording thereof, no county treasurer shall act; and it shall be the duty of such recorder to report the name and time of appointment of such treasurer to the auditor-general, for which service the said recorder shall be allowed fifty cents, to be paid by the said county treasurer; and all bonds given or hereafter to be given by county treasurers and their sureties for the faithful execution of the duties of such office, shall be considered binding on said treasurers and their sureties, for all monies received by any such treasurers respectively, in their official capacity, for the use of the commonwealth; and the county commissioners respectively, upon demand made by the state treasurer, shall furnish a copy under their seal of any such bond, which copy shall be legal and sufficient evi-

1811. dence, in any suit to be brought thereon, for the use of the commonwealth.

Estreats of all fines, &c. to be furnished to the auditor-general.

SECT. XXIV. *And be it further enacted by the authority aforesaid,* That all fines, issues, amercements, forfeited recognizances, and other forfeitures which shall be set or imposed, lost or forfeited for the use of the commonwealth in the several courts thereof, shall, by the respective clerks of the same, be certified and estreated into the office of the auditor-general within ten days after the expiration of the term at which such fines and forfeitures were imposed, together with the judgments and orders of the said courts respectively, on all forfeited recognizances as shall be sued upon in such courts, which estreats or returns of fines and forfeitures shall be under the oath or affirmation of the respective clerks.

Secretary of the commonwealth to make quarterly reports of remissions.

SECT. XXV. *And be it further enacted by the authority aforesaid,* That the secretary of the commonwealth shall make report quarterly to the auditor-general, of all remissions of fines granted by the governor.

Accounts of sheriffs to be settled yearly.

SECT. XXVI. *And be it further enacted by the authority aforesaid,* That the accounts of sheriffs shall be settled yearly, and in order that the accountant officers may be enabled so to do, the clerks of the several courts are hereby enjoined and required to report to the auditor-general (at the same time that they make return of the fines imposed,) the amount of fines paid to the sheriffs; and henceforth monies arising from court fines and forfeited recognizances, due the commonwealth, shall be paid to the sheriffs only, who shall be allowed two and an half per centum by the accountant officers on the amount paid by them into the state treasury.

Fines, &c. henceforth to be paid to the sheriffs only.

Auctioneers accounts to be settled quarterly.

SECT. XXVII. *And be it further enacted by the authority aforesaid,* That the accounts of the auctioneers for duties received by them for the use of the commonwealth, shall be settled quarter-yearly, and the amount found due on such settlement shall be immediately paid into the state treasury; but if any auctioneer or auctioneers shall neglect or refuse to pay into the state treasury, or deposit in the bank of Pennsylvania to the credit of the commonwealth, within one month after the expiration of such quarter, the amount so found due the commonwealth, the commission or commissions of such auctioneer or auctioneers shall from thenceforth cease, determine, and become absolutely void, and another person shall be appointed in his or their place; and the state treasurer shall moreover immediately proceed against the delinquent auctioneer or auctioneers and their sureties for the recovery of the monies so found due from him or them, in the same manner as he is authorized to do in other cases, and it is hereby made the duty of the auditor-general to report to the governor, any such failure on the part of an auctioneer.

Accounts of fees, to be rendered under oath, quarterly, &c.

SECT. XXVIII. *And be it further enacted by the authority aforesaid,* That the secretary of the commonwealth, the secretary of the land-office, and the surveyor-general, shall render their accounts of fees received in their several offices, quarter-yearly, to the auditor-general for settlement, and the auditor-general shall administer an oath or affirmation to the said officers respectively, or their deputies, as the case may be, who were in the receipt of the said fees, for the

faithfulness of the accounts rendered ; and the said officers shall pay 1811.
monthly into the state treasury, the public monies received by them.

SECT. XXIX. *And be it further enacted by the authority aforesaid,* Accounts not
That the settlement of accounts not expressly provided for by this enumerated
act, shall be made at such time as the accountant officers may deem in this act,
proper, and on the same principles, and under similar powers, and how settled.

SECT. XXX. *And be it further enacted by the authority aforesaid,* Judgments
That the prothonotaries or clerks of the several courts within this in favour of
commonwealth, shall within twenty days after the entering up a judg- the common-
ment in favour of the commonwealth, report the same to the state treas- wealth to be
urer, and it shall be the duty of the deputy of the attorney-general, or reported to
such attorney as the treasurer may appoint, to proceed to the col- the state
lection of the monies due on said judgments ; and if the monies treasurer.

And pay the
same within
60 days after
receiving it.

Penalty on
neglect.

That the deputy-attorney, or such attorney as may be em-
ployed in the management of the suit in behalf of the common-
wealth, in consequence of said judgment, is not paid into the state
treasury within sixty days after it shall have been received by such
attorney, the state treasurer shall immediately inform the attorney-
general thereof, if one of his deputies, who shall thereupon remove
the said deputy-attorney from office, and appoint another in his
place, and the state treasurer shall immediately proceed against
such dismissed deputy-attorney, or any other attorney so acting as
in cases of other delinquents.

SECT. XXXI. *And be it further enacted by the authority aforesaid,* How persons
That in order to procure the attendance of such persons as the au- are to be
ditor-general may deem necessary in relation to any public account summoned
already furnished or to be furnished, he the said auditor-general, to appear at
shall issue his writ directed to, and commanding the sheriff or cor- the auditor-
oner of the county wherein such person or persons reside, whom he general's
may summon to cause the attendance at the office of the auditor-ge- office,
neral, of such person or persons, and if after thirty days from the
time the said person or persons ought to have appeared in the office
of the auditor-general, agreeably to the said summons, such person
or persons neglect or refuse to appear, he, the said auditor-general
may issue his writ of attachment commanding the sheriff or cor-
oner to commit such person or persons so neglecting or refusing to
appear, to the common gaol of the county, there to remain until he
or they shall consent to comply with this act, or shall be discharged
by due course of law.

Attachment
to issue for
non-compli-
ance.

SECT. XXXII. *And be it further enacted by the authority aforesaid,* Mode of com-
That in order to procure the exhibition or delivery to him, of all pelling the
public accounts, books, documents, or other papers, the auditor-ge- production of
neral is hereby authorized and required, in case of neglect or refu- books, pa-
sal to exhibit or deliver them, to issue his summons directed to the pers, &c.

the sheriff or coroner of the county in which the person or persons re-
side, who neglect or refuse to exhibit or deliver public accounts,
books, documents or papers to the auditor-general, commanding
such sheriff or coroner to execute such writ, and procure the exhi-
bition or delivery as the case may be, of the same at his office, and
if the person or persons summoned by the auditor-general, neglect
or refuse to appear with, or transmit the accounts, books, documents.

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Penalty for refusing obedience to the process of the auditor-general.

or other papers, within sixty days after the expiration of the day mentioned in the summons of the auditor-general, he the said auditor-general may issue his writ of attachment, commanding the said sheriff or coroner to commit the person or persons so neglecting or refusing, to the common gaol of the county, there to remain until he or they comply with this act, or shall be discharged by due course of law.

Penalty of sheriffs, &c. refusing to execute process, &c.

And gaolers.

SECT. XXXIII. *And be it further enacted by the authority aforesaid,* That any sheriff or coroner refusing or neglecting to execute the writs of the auditor-general issued in pursuance of this act, shall forfeit and pay any sum not exceeding five hundred dollars, and if any gaoler refuses to receive and hold any person who may be ordered to gaol under the writs of the auditor-general, issued in pursuance of this act, every such gaoler shall forfeit and pay to the commonwealth the sum of three hundred dollars.

Compensation to judicial officers for services under this act.

How allowed.

SECT. XXXIV. *And be it further enacted by the authority aforesaid,* That prothonotaries, clerks of courts, sheriffs, coroners, and all other officers and persons employed by the auditor-general and state treasurer, in carrying this or any other act in relation to the settlement of the public accounts, and the recovery of public monies into effect, shall receive for their services such compensation as they are by law entitled to in common cases; and where there are no established rates of compensation, the auditor-general and state treasurer shall make such allowances as may appear to them reasonable, payable out of the aggregate funds in the treasury, in the usual manner.

Balances in favour of the commonwealth to carry interest, &c.

SECT. XXXV. *And be it further enacted by the authority aforesaid,* That all balances due the commonwealth on accounts settled agreeably to this act, shall bear interest from three months after the date of settlement, until paid.

No receipt to be valid unless, &c.

SECT. XXXVI. *And be it further enacted by the authority aforesaid,* That no receipt for money paid into the state treasury shall be good or available in law, unless signed by the state treasurer, or by some person known to be in his employ, and for whom he is answerable.

Books, &c. in the accountant's offices to be open to inspection, &c.

SECT. XXXVII. *And be it further enacted by the authority aforesaid,* That the books and papers in the offices of the state treasurer and auditor-general, shall be at all reasonable times open for the free inspection of each other.

Treasury to be examined by the auditor-general, and also the banks, &c. if he thinks proper.

SECT. XXXVIII. *And be it further enacted by the authority aforesaid,* That the auditor-general shall annually examine the situation of the public treasury in relation to the monies therein, and the deposits in the several banks, and also if he deems it necessary, examine the accounts of the state treasurer with the several banks and their branches, in which the public monies are deposited; and the officers of the said banks and their branches, shall permit the auditor-general so to do: and if the state treasurer shall refuse to exhibit to the auditor-general his books, papers, or documents, or the monies reserved in his office to meet occasional demands, he shall for any such refusal, forfeit and pay for the use of the commonwealth, the sum of two thousand dollars, to be recovered as sums of equal amount are or shall be by law recoverable.

Penalty for refusal.

SECT. XXXIX. *And be it further enacted by the authority aforesaid,* 1811.
 That the state treasurer shall be appointed on the second Tuesday in January, in every year, for which purpose each house shall, at least three days previous to such appointment, choose a teller, and furnish the other house with a minute of such choice, and on the day of such election, the members of both houses shall assemble at such hour as shall have been agreed upon by the two houses, in the chamber of the house of representatives, and the speaker of the senate and speaker of the house of representatives, shall preside, alternately at such elections, and the tellers shall take down in writing the name of every member voting at such elections, and that of the person voted for, whereupon the president of the meeting shall declare the result of such election; and if either of the candidates has a majority of all the members present, the president of the meeting shall declare such candidate to be duly elected state treasurer for the current year, and duplicate certificates thereof shall be immediately made out and signed by the said president and attested by the tellers, and the said tellers shall make report to their respective houses, in order that the same may be entered on their journals, but if there should not be a majority at the first poll for either candidate, the meeting shall proceed to vote until a choice be made.

When and how the state treasurer shall be appointed.

Result of the election for, to be reported, &c.

Treasurer to take the oaths, &c.

And enter into recognizance, &c.

Which shall be recorded, &c.

State treasurer to procure a seal, &c.

Auditor-general to be commissioned for three years.

In case of removal the governor to supply his place, &c.

In case of the death of state treasurer, the chief clerk to serve, &c.

SECT. XL. *And be it further enacted by the authority aforesaid,*
 That the state treasurer, before he enters upon the duties of his office, shall take the oaths or affirmations of office, agreeably to the directions of the constitutions of the United States and this commonwealth, and shall become bound to the commonwealth, in an obligation with two or more sufficient sureties to be approved of by the governor, in the sum of eighty thousand dollars, lawful money of Pennsylvania, conditioned for the true and faithful performance of the trusts and duties enjoined and required by law, to be performed by such treasurer, and the execution thereof being duly proved, the same shall be entered of record in the office of the secretary of the commonwealth, and copies of such obligation duly authenticated under the seal of the said office, shall be admitted as legal evidence in any court in this commonwealth.

SECT. XLI. *And be it further enacted by the authority aforesaid,*
 That the state treasurer shall procure a seal of office, and all copies under the seal of the state treasurer, of accounts or documents in his office, shall be evidence in all courts of law and elsewhere within this commonwealth.

SECT. XLII. *And be it further enacted by the authority aforesaid,*
 That the auditor-general shall be appointed and commissioned for three years, but shall be removed from office by the governor, on the address of both houses of the legislature, and in case the present, or any future auditor-general should die, resign, or be removed from office by the governor on the address of the general assembly, the governor shall supply his place by an appointment for the remainder of the time such auditor-general had to serve, and in case the state treasurer should die during the recess of the legislature, the chief clerk in the office of treasurer after having taken the oath or affirmation of office, and given the requisite security, shall be authorized to do the duties of state treasurer until another shall be appointed by the legislature.

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Auditor-general to take the oaths.

And become bound with sureties.

Condition of the obligation.

Salaries of the auditor-general and state treasurer.

Statements to be furnished to the auditor-general by the state treasurer.

And vouchers.

State treasurer to report annually the receipts and expenditures in his office, &c.

Auditor-general to report a statement of the finances of the commonwealth.

Said reports to be printed, &c.

Appropriation for clerk hire and contingent expenses, in the offices of the state treasurer and auditor-general.

State treasurer to take measures for the recovery of former settled accounts, &c.

SECT. XLIII. *And be it further enacted by the authority aforesaid,* That the auditor-general before he enters upon the duties of his office, shall take the oaths or affirmations of office, agreeably to the directions of the constitution of the United States and this commonwealth, and become bound in an obligation with two or more sureties to be approved by the governor, in the sum of five thousand dollars, conditioned for the true and faithful performance of the trusts confided, and duties enjoined and required by law to be performed by him.

SECT. XLIV. *And be it further enacted by the authority aforesaid,* That the state treasurer and auditor-general shall each receive the sum of one thousand three hundred and thirty-three dollars and thirty-three cents per annum, payable quarter-yearly, in full compensation for their services.

SECT. XLV. *And be it further enacted by the authority aforesaid,* That the state treasurer shall furnish the auditor-general, on the first day of every month, (unless it happen on Sunday, in which case on the next day) an account of all monies received and paid by virtue of the powers of his office during the preceding month, together with the vouchers for the payments made by him; and the auditor-general shall transfer all the receipts and payments to their proper accounts, in the books of his office.

SECT. XLVI. *And be it further enacted by the authority aforesaid,* That the state treasurer shall, on the fourth Monday in December, annually, make report to the legislature, exhibiting in detail, the receipts and expenditures of the state treasury for the preceding year, ending at the last day of November, designating the name of every person from whom monies were received and to whom monies have been paid, and on what account; and the auditor-general shall on the same day annually make report which shall exhibit in the abstract, a statement of the finances of the commonwealth, which reports of the state treasurer and auditor-general, shall be previously printed, and six hundred copies of each delivered to the clerk of the house of representatives, the expenses of printing and all other expenses attending the same, to be paid out of the aggregate funds of the commonwealth, on warrants drawn in the usual manner.

SECT. XLVII. *And be it further enacted by the authority aforesaid,* That three thousand and sixty-six dollars and sixty-six cents, per annum, are hereby appropriated for the payment of clerks employed in the offices of the state treasurer and auditor-general: *viz.* Two thousand and sixty-six dollars and sixty-six cents, for the former, and one thousand dollars for the latter, to be paid as all other salaries are payable; and eleven hundred dollars per annum, are also hereby appropriated for the contingent expenses of said offices: *viz.* Seven hundred dollars for the former, and four hundred dollars for the latter, to be paid on the settlement of accounts as in other cases.

SECT. XLVIII. *And be it further enacted by the authority aforesaid,* That the state treasurer shall take effectual measures for the recovery of public monies due on accounts settled by the former and late accountant officers, (the comptroller and register-generals,) to the commonwealth, and shall continue to possess and exercise all the powers and duties vested in him by the ninth section of the act of April first, one thousand seven hundred and ninety, entitled "An

act to enforce the due collection of the revenue of the state, and for other purposes therein mentioned;" which are necessary in recovering the balances due the commonwealth on account of the loans made under the acts of February the twenty-sixth, one thousand seven hundred and seventy-three; and April the fourth, one thousand seven hundred and eighty-five.

SECT. XLIX. *And be it further enacted by the authority aforesaid,* That all the duties not herein provided for, which, previous to the passage of the act, entitled "An act making a new arrangement of the treasury department, and enjoining certain duties on county commissioners;" were enjoined on the comptroller-general, shall be performed by the state treasurer, and those enjoined on the register-general shall be performed by the auditor-general, under the same powers and subject to like restrictions and proceedings, as when performed by the said comptroller and register-generals.

Duties to be performed by the state treasurer under the act, &c.

SECT. L. *And be it further enacted by the authority aforesaid,* That the auditor-general shall annually report to the legislature a list of the accounts which remain unsettled, and the reasons therefor, and the state treasurer shall annually report to the legislature a list of the accounts on which balances remain due to the commonwealth, which are not in a course of recovery by law, and the reasons therefor.

Report of accounts unsettled, with the reasons, to be made to the legislature.

SECT. LI. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the auditor-general and state treasurer in the settlement of accounts of persons having claims on the commonwealth, and who at the same time may be indebted to the commonwealth, to secure the amount so due or as much thereof as the claim on the commonwealth may amount to: *Provided however,* That any person feeling himself aggrieved by such determination of the accountant officers, may appeal therefrom as in other cases.

Accountant officers may make set-offs.

Appeal granted.

SECT. LII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the auditor-general to report annually to the legislature, the names of all officers who neglect or refuse to make the returns to him, which by law they are enjoined to do.

Names of delinquent officers to be reported, &c.

SECT. LIII. *And be it further enacted by the authority aforesaid,* That the auditor-general shall immediately after the passing of this act, inform by letter, the several officers and persons concerned therein, of their powers and duties in relation to accounting for and paying public monies, and in making returns on which the public accounts are founded.

Persons affected by this law, to be informed, &c.

SECT. LIV. *And be it further enacted by the authority aforesaid,* That the act, entitled "An act for methodizing the department of accounts of this commonwealth, and for the more effectual settlement of the same," passed April the thirteenth, one thousand seven hundred and eighty-two; the act entitled "An act to give the benefit of trial by jury to the public officers of this state, and to other persons who shall be proceeded against in a summary manner by the comptroller-general of this state," passed February the eighteenth, one thousand seven hundred and eighty-five; the act, entitled "An act for the appointment of a register-general for the purpose of registering the accounts of this state," passed March the twenty-eighth, one thousand seven hundred and eighty-nine; the supplement to an

Repeal of other laws.

1811. act, entitled "An act for the appointment of a register-general, for the purpose of registering the accounts of this state," passed September the thirtieth, one thousand seven hundred and eighty-nine; the act, entitled "An act to ascertain the security to be given by the treasurer of the state for the time being," passed November the nineteenth, one thousand seven hundred and eighty-nine; the act, entitled "An act to enforce the due collection of the revenue of the state, and for other purposes therein mentioned," passed April the first, one thousand seven hundred and ninety; so much of the act, entitled "An act to provide for the support of the government of this commonwealth," passed April the thirteenth, one thousand seven hundred and ninety-one, as relates to the salary of the state treasurer and allowance for clerk hire; the act, entitled "An act to provide for the settlement of public accounts, and for other purposes therein mentioned," passed April the fourth, one thousand seven hundred and ninety-two; the act, entitled "An act to provide for the better collection of the revenue arising from tavern licences," passed April the twenty-second, one thousand seven hundred and ninety-four; the act, entitled "An act to alter the time for the register-general and state treasurer to exhibit a statement of the accounts of their respective offices, to the legislature," passed March third, one thousand eight hundred; the last section of the act, entitled "An act making certain appropriations, and to enable the governor of this commonwealth to negotiate certain loans and for other purposes therein mentioned," passed April the fourth, one thousand eight hundred and three; the act directing the register-general and state treasurer to exhibit printed statements of their accounts, passed April the third, one thousand eight hundred and four; the second and third sections of the act, entitled "An act making appropriations for the expenses and support of government for the year one thousand eight hundred and four, and for other purposes," passed April the third, one thousand eight hundred and four; the act, entitled "An act to enforce the collection and settlement of tavern licences, militia exempt fines, and for other purposes," passed April the eleventh, one thousand eight hundred and seven; the act, entitled "An act making a new arrangement of the treasury department, and enjoining certain duties on county commissioners," passed March the seventeenth, one thousand eight hundred and nine; so much of the fourth and sixth sections of the act, entitled "An act abolishing the offices of receiver-general and master of the rolls, and transferring the duties therein performed to other offices, and for other purposes," passed March the twenty-ninth, one thousand eight hundred and nine, as relates to the accounting for and payment of fees received in the offices of secretary of the commonwealth, secretary of the land office, and surveyor-general, be, and the same are hereby repealed.

Passed 30th March, 1811.—Recorded in Law Book No. XII. page 369.

CHAPTER MMMCCCLV.

1811.

An ACT supplementary to an act, relative to the patenting of lands.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* all the provisions of the act, entitled “An act relating to the patenting of lands,” passed the twenty-first day of February, one thousand eight hundred and ten, shall be, and the same hereby are continued until the first day of January, in the year one thousand eight hundred and thirteen, and no longer: *Provided nevertheless, That* nothing herein contained shall be construed, or so understood as to entitle any person or persons, or corporate bodies, executors or administrators, on behalf of each minor, to the benefits of this act, for any greater quantity than five hundred acres of land held by him, her or them, in his, her or their own right.

Time for patenting lands extended.

Proviso.

Passed 30th March, 1811.—Recorded in Law Book No. XII. page 385.

CHAPTER MMMCCCLVII.

An ACT to enable the governor to incorporate a company to make an artificial road from the Philadelphia and Wilmington post road, near John M'Ilvain's to intersect the Philadelphia, Brandywine and New-London turnpike road, on the land of George Davis, in Delaware county.

SECT. 1. [COMMISSIONERS appointed, and books to be procured by them for taking subscriptions. Notice to be given of the opening of the books. Two of the commissioners to attend, &c. Who may subscribe. How the books to be kept open. If there are not two hundred and fifty shares subscribed in four days, the commissioners may adjourn. Notice of the adjournments to be given. When two hundred and fifty shares are subscribed, the books to be closed. Five dollars to be paid on each share at the time of subscribing. How appropriated. 2. When twenty persons, &c. shall have subscribed seventy-five shares, commissioners to certify, &c. Governor to incorporate by letters patent the said company, by the name of “The President, Managers and Company of the Ridley turnpike road,” with the usual corporate powers and privileges. 3. Notice to be given of organizing the company. Officers to be chosen. Further privileges and restrictions of the company, as granted to the Downings town, Ephrata and Harrisburgh turnpike road. Work to be commenced in one and finished within five years, or privileges to revert.]

Passed 30th March, 1811.—Recorded in Law Book No. XII. page 386.

1811.

CHAPTER MMMCCCLVIII.

An ACT to authorize Rebecca Miles of the city of Philadelphia, widow, to sell and convey certain lots and lands therein mentioned.

SECT. 1. [REBECCA MILES authorized to sell certain real estate. And to execute conveyances. Appropriation of the proceeds to the education, &c. of minors. Residue to be paid over, &c. Security to be given in the Orphans' Court.]

Passed 30th March, 1811.—Recorded in Law Book No. XII. page 388.

CHAPTER MMMCCCLIX.

An ACT establishing an academy in the town of Mercer, in Mercer county, and to grant a sum of money thereto.

SECT. 1. [AN academy to be established in Mercer county, by the style of "Mercer academy." Trustees named. Who, and their successors, to be a body politic, by the style of "The Trustees of the Mercer academy." Powers and privileges of, prescribed. Annual income not to exceed four thousand dollars. 2. No trustee to be in office more than four years, &c. How the trustees are to be changed, and vacancies supplied. 3. When and where the first meeting to be held. 4. Treasurer to be appointed, and his duties prescribed. To give bond, &c. 5. Two thousand dollars granted to said academy. How to be paid, and appropriated. Poor children to be taught gratis, not exceeding five at any one time. 6. The trustees to exhibit their accounts to the auditors of Mercer county.]

Passed 30th March, 1811.—Recorded in Law Book No. XII. page 389.

CHAPTER MMMCCCLX.

An ACT to enable the governor to incorporate a company for making an artificial road, beginning at the intersection of Vine and Tenth-streets, Philadelphia; and thence to Perkiomen bridge in the county of Montgomery.

SECT. 1. [COMMISSIONERS named. Books to be procured by them for subscriptions. Notice to be given of the time and place for opening the public books. Who may subscribe. Books to be kept open for six days, &c. Commissioners may adjourn. Notice of adjournment to be given. Five dollars on each share to be paid at subscribing. 2. When the commissioners may certify the sales of shares to the governor, who shall thereupon incorporate the subscribers, by the name of "The Ridge turnpike company," with the usual powers. 3. Notice to be given of the organization of the company. How and what officers are to be chosen. No person to have more than five votes, &c. 4. When the meet-

ings of the company shall be held. May make, alter, &c. by-laws, &c. 5. Certificates of stock to be delivered. Ten dollars to be paid on each share, on delivery. Certificates to be transferable. Assignment to be entered, &c. 6. Meetings of the officers. Seven to be a quorum. May proceed in the absence of the president. Minutes to be kept. May appoint surveyors, artists, &c. 7. Penalty on neglect or refusal to pay instalments. No delinquent stockholder to vote at elections. Route of the road prescribed. 9. Bridges to be erected. Breadth of the road. Twenty-one feet thereof to be artificial. To be faced with stone, &c. Middle of the road to be raised four degrees. 10. Notice to be given the governor when portions of the road are completed, who shall appoint viewers. Tolls to be collected. 11. Toll gatherers to be appointed. Rates of toll. Proviso. Proviso, as to fractions of toll.]

1811.

SECT. XII. *And be it further enacted by the authority aforesaid,* That if any person or persons riding in or driving any carriage of burthen or pleasure as aforesaid, shall, with an intent to defraud the said company, or to evade the payment of any of the tolls or duties aforesaid, pass therewith through any private gate or bar, or along or over any private passage, way, or along or over any other ground or land near to or adjoining any turnpike or gate which shall be erected in pursuance of this act, or if any person or persons shall with the intent aforesaid, take off, or cause to be taken off, any horse or other beast, or cattle, of draught or burthen, from any carriage of burthen or pleasure, or shall practise any other fraudulent means or device with the intent to evade or lessen the payment of any such toll or duty, all and every such person or persons offending in manner aforesaid, shall, on conviction before any alderman of the city of Philadelphia or justice of the peace of the proper county, for every such offence, forfeit and pay to the president, managers and company, any sum not exceeding ten dollars.

Penalty for avoiding any of the gates with a view to evade the payment of toll.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That if the said company shall neglect to keep the said road in good and perfect order and repair for the space of fifteen days, and information thereof shall be given to any justice of the peace of the proper county, such justice shall issue a precept to be directed to any constable, commanding him to summon three judicious freeholders to meet at a certain time in the said precept to be mentioned, at the place complained of in the said road, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto, and the said justice shall at such time and place by the oaths or affirmations of the said freeholders, inquire whether the said road or any part thereof, is in such good and perfect order and repair as aforesaid, and shall cause an inquisition to be made under the hands and seals of himself and a majority of the said freeholders, and if the said road shall be found by the said inquisition to be out of order and repair, according to the true intent and meaning of this act, he shall certify and send one copy of the said inquisition to each of the keepers of the turnpikes or gates between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes, or gates, for the intermediate distance between them, shall cease to be demanded, paid or collected, un-

Proceedings on complaint of the road being out of repair.

Copy of the inquisition to be sent to each of the gate keepers. Payment of tolls to cease until the

1811.

road be repaired.
Penalty on exacting tolls before the road is repaired.

Copy of the inquisition to be sent to the Court of Quarter Sessions.

When the president, &c. may be proceeded against by indictment.
Fine not to exceed 100 dollars.
How recoverable, and appropriated.

Penalty on exacting greater toll than is here-in allowed.

til the said defective part or parts of the said road shall be put into good and perfect order and repair as aforesaid; and if any of the keepers of the gates aforesaid, shall take or attempt to exact tolls for the intermediate distance aforesaid, such keeper shall forfeit and pay, on conviction, before any alderman or justice of the peace of the proper county, for the use of the person prosecuting for the same, the sum of five dollars; but if the same shall not be put into perfect order and repair before the next ensuing Court of Quarter Sessions of the proper county, the said justice shall certify and send a copy of the said inquisition to the justices of the said court, and the court shall thereupon direct a bill of indictment to be sent to the grand inquest, against the president and managers of said company, and upon conviction, shall give such judgment according to the nature and aggravation of the neglect as the said court in their discretion shall judge proper: *Provided*, The fine in no instance shall be less than ten dollars, nor exceeding one hundred dollars; and the fines so to be imposed shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said counties, and shall be paid to the supervisors of the highways of the place where the offence was committed, to be applied to repairing such highways as the township or county is bound to repair at the public expense thereof.

SECT. XIV. *And be it further enacted by the authority aforesaid*, That if any toll-gatherer shall demand and receive toll for a greater distance than the person from whom such toll is demanded shall have actually travelled along said turnpike road, or may actually travel between any gate and the gate next thereto, less than the whole distance, or shall demand and receive a greater toll than he is authorized to receive by this act, such toll-gatherer shall, on conviction thereof before any alderman of the city of Philadelphia, or justice of the peace of the proper county, forfeit and pay the sum of ten dollars for every such offence, to the use of the poor of the city, county, or district, where the offence shall have been committed.

SECT. 15. [Account of receipts to be kept. And of expenditures. And be submitted to a general meeting, &c. If the capital stock be insufficient, the number of shares may be increased. 16. Accounts to be kept of receipts of toll. Dividend to be declared. Fund for repairs, &c. to be reserved. When dividends to be made. 17. Abstract of the accounts of the company to be laid before the legislature triennially. 18. The company to erect index hands, &c. and mile-stones, and to mark the distance, &c. upon the gates, and affix a printed list of rates of toll.]

Penalty on putting mile stones, direction-posts, &c.

SECT. XIX. *And be it further enacted by the authority aforesaid*, That if any person or persons shall wilfully break, deface, pull up or prostrate any mile-stone which shall be placed in pursuance of this act on the side of the said road, or shall obliterate the letters or figures inscribed thereon; and if any person shall wilfully break, pull down, deface, destroy, or injure any direction post which shall be erected in pursuance of this act, at the intersection of any road as aforesaid, or the board or index-hand affixed thereto in conformity with the directions of this act; or if any person or persons shall

obliterate the letters or figures inscribed or marked thereon, or shall destroy, deface, or obliterate the letters, figures, or other characters marked at any turnpike or gate which shall be erected in pursuance of this act, for all or any of the purposes therein mentioned, or the whole or any part of any written or printed list of the rate of tolls which shall be affixed in pursuance of the directions of this act, at any such gate or turnpike, he, or they so offending in the premises, shall, and each of them, on conviction before any alderman or justice of the peace of the city of Philadelphia, or of the proper county, for every such offence, severally and respectively, forfeit and pay to the said president, managers and company, ten dollars: *Provided*, That the defendant does not settle and pay the damages before such suit is brought as aforesaid. 1811.

SECT. XX. *And be it further enacted by the authority aforesaid*, That all waggoners, carters, and drivers of carriages of all kinds, whether of burthen or pleasure, using the said road, shall, except when overtaking and passing by a carriage of slower motion, keep their horses and carriage on the right hand side of the said road in the passing direction, leaving the other side of the said road free and clear for other carriages to pass and repass, and if any waggoner, or carter, or driver, shall offend against this provision, he shall, on conviction, forfeit and pay any sum, not exceeding ten dollars, to any person who shall by reason thereof be obstructed in his passage, and will sue for the same before any justice of the peace of the proper county, to be recovered with costs of suit. Proviso.
Waggoners,
&c. to keep
to the right.

Penalty for
offending
against this
regulation.

SECT. XXI. *And be it further enacted by the authority aforesaid*, That if in case of any suit or prosecution which shall be commenced under the direction of this act for any penalty incurred by the same, whether for or against the said company, or any person or persons in their trust, or assignees, the said suit or prosecution shall not be sustained by the plaintiff or prosecutor, then and in such case the person or persons prosecuted as aforesaid, shall recover by the judgment of the alderman or justice, as the case may be, before whom such suit or prosecution shall be depending, such sum, not exceeding the amount of the penalty for which the suit or prosecution shall be commenced, as shall by the said alderman or justice be deemed a reasonable retribution for the vexation of such suit or prosecution. Penalty on
instituting
vexatious
and unfounded
prosecutions
under
this act.

SECT. XXII. *And be it further enacted by the authority aforesaid*, That no suit or action shall be brought or prosecuted by any person or persons for any penalty incurred under this act, unless such suit or action shall be commenced within three months after the fact committed; and the defendant and defendants in such suit or action may plead the general issue, and give this act and the special matter in the evidence, and that the same was done in the pursuance and by the authority of this act. All suits for
penalties under
this act,
to be brought
within three
months.

SECT. 23. [Work to be begun in three and completed in seven years. Penalty on non-compliance. 24. After the year 1830, the legislature may free the road. How the value thereof shall be ascertained. Governor to lay the proceedings before the next legislature. When toll shall cease.]

1811.

CHAPTER MMMCCCLXI.

An ACT to enable the governor to incorporate a company for making an artificial road from the northern boundary line of this state, at the most suitable place, near the twenty-eight mile-stone, to the place where the seat of justice is established for the county of Susquehanna: and thence by the best and nearest route to the borough of Wilkes-Barrè, in the county of Luzerne.

SECT. 1. [COMMISSIONERS named. Books to be procured, for taking subscriptions. Notice to be given of the time and place of opening the books. Two of the commissioners to attend. Who may subscribe. Books to be kept open six days, &c. May be transferred from place to place, &c. Shall be closed when four hundred and fifty shares are subscribed. Five dollars to be paid on each share at the time of subscribing. 2. When the commissioners may certify the sales of stock to the governor. Who shall thereupon incorporate the subscribers, by the name of "The President, Managers and Company of the Bridgewater and Wilkes-Barrè Turnpike Road," with the usual corporate powers. 3. Notice to be given of the time of organizing the company. How the officers shall be chosen. Term of service. May make by-laws, &c. Tolls to be collected, and to have the like privileges, &c. as the Easton and Wilkes-Barrè turnpike road. Work to be begun in three, and completed in ten years.]

Passed 30th March, 1811.—Recorded in Law Book No. XII. page 404.

CHAPTER MMMCCCLXII.

An ACT granting an annuity to John Watson, for life.

SECT. 1. [FORTY dollars to be paid to John Watson, and an annuity of like amount granted to him for life, to be paid to Isaac Lewis, for his use. How to be expended, and accounted for.]

Passed 30th March, 1811.—Recorded in Law Book No. XII. page 407.

CHAPTER MMMCCCLXIII.

An ACT granting an annuity to Jacob Baker, for life.

SECT. 1. [FORTY dollars to be paid to Jacob Baker. An annuity of like amount to be paid William Binder, half-yearly, for his use. How to be expended, and accounted for.]

Passed 30th March, 1811.—Recorded in Law Book No. XII. page 408.

CHAPTER MMMCCCLXIV.

An ACT granting certain privileges to, and enlarging the regiment of artillery attached to the first brigade, first division, Pennsylvania militia, and for the better organization of the cavalry in the city and county of Philadelphia.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assem-*

bly met, and it is hereby enacted by the authority of the same, That the regiment of artillery attached to the first brigade, first division, of the militia of this commonwealth, shall hereafter consist of one colonel, one lieutenant-colonel, two majors, and twelve captains; each company to consist of one captain, one first lieutenant, one second lieutenant, two cadets, four sergeants, four corporals, eight artificers, and eighty privates, to be formed into three battalions; and the field officers of the regiment are hereby authorized to appoint a regimental staff, to consist of one adjutant, one quarter-master, and one surgeon, one surgeon's mate; and also one sergeant-major, one quarter-master's sergeant, one drum-major, and one fife-major; and grant a certificate to the person so appointed signed by a majority of the field-officers.

1811.

How the first artillery regiment shall be officered.

SECT. II. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the present field-officers of the regiment, together with the commanding officers of companies now in commission, so soon as five hundred men shall have enrolled themselves in said regiment conformably to the provisions of this act, to proceed forthwith to divide them into companies by ballot from one to twelve; and shall thereupon hold an election for the quota of officers allowed by this act, and the officers so elected shall be commissioned in the usual manner.

When 500 men are enrolled in, to be divided into companies.

Elections to be held thereupon.

SECT. III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the field-officers of said regiment to organize one company of horse or flying artillery to each battalion of said regiment, each company to consist of one captain, two lieutenants, one cornet, four sergeants, four corporals, one saddler, one farrier, one trumpeter and seventy privates; and each officer, non-commissioned officer, and private, shall furnish himself with a good and serviceable horse, at least fourteen hands and a half high; a good saddle, bridle, mail-pillion, and valise holsters; a breast-plate and crupper; a pair of pistols, a sabre, and a cartouch-box to contain twelve cartridges for pistols. And the governor is hereby required, immediately after the organization of such troops, to furnish them with field-pieces, together with the necessary apparatus, excepting horses.

One company of flying artillery to be organized.

Officers of.

Number of privates.

Size of 1 horses.

Equipment.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the uniform of the said regiment of artillery shall be as follows; a long dark blue coat, faced and lined with scarlet, the collar and cuffs to be of the same, with yellow buttons stamped with the letters "1st Regiment," the buttonholes and edges of the coat, (the bottom excepted,) to be trimmed with gold lace, or yellow silk binding; cocked hat with a red feather, and the cockade of this state; blue pantaloons edged with yellow buff; vest with yellow buttons stamped "1st Regiment;" and short boots; a cartridge-box to fasten round the body to contain at least fourteen cartridges: a buff bayonet-belt with an oval plate in front with the arms of this state stamped thereon, and the letters "1st Regiment Pennsylvania Artillery." And that of the horse or flying artillery, a short blue coat faced with scarlet, the collars and cuffs to be of the same, the buttonholes and edges of the coat, (the bottom excepted,) to be trimmed with gold lace or yellow silk binding, the buttons of the like

Uniform of the regiment.

and of the flying artillery.

1811. colour, stamped with the letters "1st Regiment;" with buff vest, buckskin breeches, and long black topped boots. And if any non-commissioned officer or private of said regiment shall not provide himself with the necessary equipments required by this law, within three months after his enrolment, such non-commissioned officer or private shall be returned to the commanding officer of the ward to which he formerly belonged.

On officers
for parading
without be-
ing in full
uniform.

SECT. v. *And be it further enacted by the authority aforesaid,* That all commissioned officers of said regiment shall appear in full uniform when on parade or duty, and on failure thereof shall forfeit and pay five dollars to be assessed and appropriated as other fines are imposed by this act.

Ten years
service in
said regi-
ment to ex-
empt from
further mili-
tary duty, &c.

SECT. vi. *And be it further enacted by the authority aforesaid,* That every non-commissioned officer and matross who hath, or at any time hereafter shall enrol and uniform himself in said regiment, and serve therein ten years, shall be entitled to a certificate signed by the captain and countersigned by the commandant of the regiment, purporting that he has served in uniform faithfully as last aforesaid, for the term of ten years; which certificate shall exempt him from military duty in this state, for life, except in cases of insurrection or invasion.

3000 stands
of arms to be
loaned to,
on security.

SECT. vii. *And be it further enacted by the authority aforesaid,* That the secretary of the commonwealth be, and he is hereby authorized to issue so many of the arms, not exceeding one thousand, now in his possession, to the commandant of said regiment on his application for the same, to be by him distributed to the commandants of companies in said regiment; but nothing in this section shall be construed to authorize the delivery of said arms until the commandants of said companies shall have given satisfactory security that the arms they may receive shall be kept in perfect repair, and returned whenever required by law.

Regiment
may be kept
under arms
from sun till
sun.

SECT. viii. *And be it further enacted by the authority aforesaid,* That the said regiment shall be considered to be under arms from the rising until the setting of the sun of the same day that they shall be ordered out for improvement or inspection, and no officer, non-commissioned officer, or private, belonging to the same, shall while under arms, be subject to be arrested by any civil process; and all horses belonging to the troops of horse or flying artillery belonging to this regiment, shall be enrolled by the commanding officer of such troop, by their distinguishing marks, and the horses so enrolled, and all arms, ammunition and equipments, belonging to any member of said regiment, and procured in conformity to the regulations of this act, shall be exempted from all attachments, seizures, distresses, executions or sales for debt, or for the payment of taxes.

Horses to
be enrolled
by their
marks, &c.

And arms,
equipments,
&c.

No by-stand-
er to molest
any soldier
while on
duty.

SECT. ix. *And be it further enacted by the authority aforesaid,* That if any by-stander shall wilfully interrupt, molest, or insult any officer or soldier, while on duty at any muster, or shall be guilty of like conduct before any court or board, the commanding officer or such court or board may cause him to be confined for the day: and the commanding officer of the regiment, battalion or company, shall have power to fix certain limits, not including any public highway, to their respective parades, within which no spectator or by-stander

shall enter, without permission from the commanding officer ; and if any person shall intrude or offend, he shall be liable to be confined during the day, in such manner as the commanding officer shall direct. 1811.

Penalty on offending.

SECT. X. *And be it further enacted by the authority aforesaid,* That the said regiment shall be ordered out for exercise, at least six times, and not exceeding twelve times, in every year, by regiment, battalions, or companies, as a majority of the field-officers shall direct ; and every non-commissioned officer or private, who shall neglect to appear when ordered in pursuance of this act, without sufficient excuse, shall for every neglect to appear at any brigade, regimental, or battalion rendezvous, forfeit the sum of two dollars ; and for every day he neglects to appear at any company parade, the sum of one dollar ; which respective sums, for every neglect to appear at any brigade, regimental, battalion, or company parade, may be increased by any court of appeal, composed of commissioned officers of said regiment, to five dollars.

How the regiment shall be exercised.

Penalty for non-attendance.

SECT. XI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the commandant of said regiment, to form and organize a band of musicians for said regiment, and each and every person belonging to said band of musicians, shall be under the command and direction of said commandant, and for neglecting or refusing to appear at any parade or meeting of officers, when warned, with their instruments of music, or for disobedience of orders, shall be liable to such fines and penalties, as non-commissioned officers are subject to by this act, and the persons belonging to such band of musicians, shall be entitled to all the privileges granted to non-commissioned officers or privates of said regiment, during the time they continue in such band.

Band of musicians to be formed.

Privileges of the musicians.

SECT. XII. *And be it further enacted by the authority aforesaid,* That the accounts of the paymaster of the regiment aforesaid for ammunition furnished, shall be settled and adjusted agreeably to the act, entitled "An act to provide for the payment of ammunition for the regiment of artillery in the city and county of Philadelphia, and other artillery corps of this commonwealth," passed March the nineteenth, one thousand eight hundred and ten, which ammunition shall be expended in practising with field artillery, mortars, or other useful experiments.

How accounts for ammunition shall be settled.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That if any person or persons shall expose for sale, any spirituous liquors at any parade of said regiment, within the limits prescribed by the commanding officer, and be thereof convicted, he or they shall forfeit and pay the sum of five dollars, to be recovered in the same manner as debts of equal amount are by law recoverable, the one moiety thereof for the use of the person prosecuting for the same, and the other moiety to be paid and appropriated as fines for delinquencies in said regiment are directed to be paid.

Venders of spirituous liquors, &c. to be fined.

Fines how to be recovered.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That all fines incurred under this act, shall be collected and appropriated to the use of the corps in the same manner as is provided by the militia law of this state.

How fines are to be collected and appropriated.

1811.

Ten years service in an artillery company, to exempt from future service.

Except in cases of invasion, &c.

Privileges of the regiment.

The cavalry in the city and county to be formed into a regiment.

Number of. And officers.

Certificates of appointment, how signed.

When 240 men are enrolled, elections to be held.

Regiment to be divided into squadrons and companies.

Officers of, and privates.

Majors to superintend the company elections.

SECT. xv. *And be it further enacted by the authority aforesaid,* That any person who after the passing of this act shall serve in any company of foot or horse artillery now formed, or that may be hereafter formed, (except in the regiment before named,) and shall actually uniform himself and serve in said company of foot or horse artillery for ten years, in addition to the privileges and exemptions allowed by this act, shall be forever thereafter exempted from doing militia duty in this state, excepting in cases of insurrection or invasion; and the certificate of the captain of such company shall be ample and complete evidence of such service.

SECT. xvi. *And be it further enacted by the authority aforesaid,* That the said regiment shall be entitled to all the privileges heretofore granted them, and be under the same restrictions as heretofore, except where the same is altered or supplied by this act: *Provided always,* That nothing in this act contained shall be construed or understood so as to deprive the regiment of its present organization, but the said regiment shall continue in full operation as heretofore, until the provisions contained in the second section of this act shall warrant this act to go into operation.

SECT. xvii. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the cavalry within the city and county of Philadelphia, shall be formed into a regiment to be No. 1, which regiment shall be officered in the following manner: that is to say, there shall be one colonel commandant, one lieutenant-colonel, two majors, and a regimental staff, to consist of one adjutant, one quarter-master, one paymaster, one surgeon, and one surgeon's mate; one sergeant-major, and one quarter-master sergeant; which staff shall be appointed by the field officers of said regiment, who shall give a certified copy to each person so appointed, signed by a majority of them: *Provided always,* That whenever there shall be twelve or more troops of cavalry in the said city and county, any six of the said troops may organize themselves into a separate regiment, to be officered in like manner.

SECT. xviii. *And be it further enacted by the authority aforesaid,* That as soon as two hundred and forty shall be enrolled in said regiment, and notice thereof given in writing to the inspector of the first brigade of the said city and county, it shall be his duty to hold elections for field-officers in such regiment, as brigade-inspectors are required to do in other regiments in this commonwealth.

SECT. xix. *And be it further enacted by the authority aforesaid,* That as soon as the election of the said field-officers shall be determined they shall with the least possible delay divide the aforesaid regiment into squadrons, each squadron to consist of two troops or companies, each troop to consist of one captain, one first lieutenant, one second lieutenant, one cornet, four sergeants, four corporals, one farrier, one saddler, and one trumpeter or bugler, and at least thirty privates.

SECT. xx. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the majors of the aforesaid regiment to attend and superintend the elections of the company officers of their respective squadrons or troops in like manner in all respects as are required of other majors within this commonwealth; and each and

every officer or private belonging to said regiment, shall furnish himself with a good and serviceable horse, of at least fourteen hands and an half high ; and shall uniform, arm and equip himself in every respect as is by law required of troopers to do in this commonwealth : *Provided always*, That nothing in this, or any former act contained, shall be construed so as to alter the uniform of any troops or corps now organized. 1811.

Size of the horses.
Equipments.
Proviso.

SECT. XXI. *And be it further enacted by the authority aforesaid*, That the regiment of cavalry so formed shall exercise and train in regiment, squadrons and companies, on each and every day, and in like manner as the other militia of this state are by law required to do, and under the like fines, forfeitures and penalties for non-attendance and other breaches of law as the militia of this state in similar cases are liable to. Of trainings.

SECT. XXII. *And be it further enacted by the authority aforesaid*, That the aforesaid regiment shall not be compelled to exercise or train with any other of the militia of this state or any other state, except in actual service, and shall have power to make and carry into effect such by-laws, rules and regulations for the discipline and exercise of the troops composing the said regiment as the commissioned officers or a majority of them shall agree upon ; provided such by-laws, rules and regulations shall be compatible with the constitution and laws of the United States and of this state. Not to be obliged to train with other militia, &c.
Of by-laws, &c.

Passed 30th March, 1811.—Recorded in Law Book No. XII. page 409.

CHAPTER MMMCCCLXV.

A SUPPLEMENT to an act, entitled “ An act to enable the owners of the lands called the “ Pigeon Swamp,” in the township of Bristol, in the county of Bucks, to dig, maintain, and keep open, a ditch through the said swamp, and to raise money to defray the expense thereof.” [Vol. 1, pa. 389.]

SECT. 1. [WHEN elections shall be held. 2. Owners of the “ Pigeon swamp” may open a ditch to prevent back water. Course of the ditch. How to be kept open. How the value of lands through which the ditch is cut, to be ascertained. And amends made. 3. Repealing section.]

Passed 30th March, 1811.—Recorded in Law Book No. XII. page 415.

CHAPTER MMMCCCLXVI.

A SUPPLEMENT to an act, entitled “ An act for laying out and keeping in repair the public roads and highways within this commonwealth, and laying out private roads.” (Vol. 3, pa. 512.)

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That*

1811.

Commissioners to issue orders for the amount of road taxes due on unseated lands.

Treasurer to pay the amount received by him to the supervisors.

No land to be sold for road taxes until, &c.

Proviso.

How roads on county lines are to be allowed and laid out.

How bridges are to be erected over streams dividing counties.

Proceedings to be had when the reports do not agree on the county line.

from and after the passing of this act, it shall be the duty of the commissioners of the respective counties within this commonwealth, on receiving the transcripts of road taxes due on unseated lands, which the supervisors of the different townships are by the existing road-laws required to furnish, to issue their order to the county treasurer for the amount thereof; and also immediately to transmit copies thereof to the said treasurer, who is hereby required to enter them in a book to be kept for that purpose; and it shall be the duty of the said treasurer on receiving the said taxes, or any part thereof, and not before, to pay over the amount thereof to the supervisors who shall respectively be entitled to the same: *Provided*, That no land shall be sold for road taxes until twelve months after the said transcripts have been delivered to the treasurers aforesaid, and notice given in the manner prescribed by the second section of an act directing the mode of selling unseated lands for taxes, passed the third day of April, one thousand eight hundred and four: *Provided also*, That so much of the existing road laws as requires the treasurers to pay the amount of road taxes due on unseated lands to the supervisors immediately on the orders of the commissioners being presented to them, be, and the same is hereby repealed.

SECT. II. *And be it further enacted by the authority aforesaid*, That on petition of the inhabitants of any two adjoining counties to lay out a road on the lines which divides the said counties, the justices of the Court of Quarter Sessions of each county, are hereby empowered and required to appoint respectively, three reputable freeholders from the neighbourhood where the road is requested; and the said six freeholders or any five of them shall proceed to view the said ground, and make report to the court of each county respectively, in the manner prescribed by the first section of the act to which this is a supplement; and if the said justices respectively shall approve thereof, the same shall be confirmed and recorded agreeably to the provisions of the said act.

SECT. III. *And be it further enacted by the authority aforesaid*, That on petition by the inhabitants of any two adjoining counties to erect a bridge over any creek or rivulet, being the line of the said counties, the justices of the said Courts of Quarter Sessions respectively, are hereby empowered and required to appoint a view in the same manner as for laying out a road on county lines; and if on the report of the said viewers, it appears to the courts, grand jury, and commissioners of the respective counties, that such a bridge is necessary, and agreeably to the provision of the twenty-first section of the act to which this is a supplement, the same shall be erected and kept in repair by the joint expense of both counties.

SECT. IV. *And be it further enacted by the authority aforesaid*, That in all cases where separate views and reports of roads supposed to be on the dividing lines of counties, have been made under the authority of the respective Courts of Quarter Sessions of the adjoining counties, and the said reports do not agree as to the line, then and in such cases, on petition of the supervisors of the highways or inhabitants of the said counties to the justices of the Court of Quarter Sessions of each county, it shall be the duty of the said justices, and they are hereby empowered and required to appoint viewers,

and proceed in the same manner as is directed by the second section of this act, and when so confirmed shall be considered as on the county line, and be kept in repair at the joint expense of the adjoining townships : *Provided always*, That the viewers in such cases shall have power to vacate any part of the old road for which the new road is to be a substitute. 1811.
Proviso.

SECT. v. *And be it further enacted by the authority aforesaid*, That from and after the passing of this act, if any supervisor or supervisors of any township in this commonwealth shall, after ten days notice, neglect or refuse to put up and keep in complete repair, the index-boards directed to be set up by the twenty-fourth section of the act to which this is a supplement, every supervisor so offending and being thereof legally convicted, by the oath or affirmation of one or more credible witness or witnesses before any justice of the peace, or before the Court of Quarter Sessions of said county, shall respectively pay a sum not exceeding ten dollars in the discretion of the court or justice before whom such conviction shall be had, to be applied and expended in keeping in repair the public highways in the townships respectively. Penalty on supervisors neglecting to put and keep up index-boards.

How to be expended.

Passed 30th March, 1811.—Recorded in Law Book No. XII. page 417.

CHAPTER MMMCCCLXVII.

An ACT for the relief of Henry Beardt.

SECT. 1. [FORTY dollars, and an annuity of like amount granted to Henry Beardt.]

Passed 30th March, 1811.—Recorded in Law Book No. XII. page 419.

CHAPTER MMMCCCLXVIII.

An ACT for the further establishment and regulation of election districts.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, Ross township in the county of Allegheny, shall be erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Samuel Allen in said township. Ross township in Allegheny county, made an election district.

SECT. II. *And be it further enacted by the authority aforesaid*, That from and after the passing of this act, Pine township in Allegheny county, shall be erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by William Cochrane in said township. And Pine township in said county.

SECT. III. *And be it further enacted by the authority aforesaid*, That the electors of the eighth election district, in the county of Tioga, who have heretofore held their general election at the house County of Tioga.

1811. of Joshua Enlin, in the town of Wellsborough, shall hereafter hold the same at the house now occupied by Alpheus Cheny, in said town of Wellsborough.
- Susquehanna. SECT. IV. *And be it further enacted by the authority aforesaid,* That the electors in the township of Bridgwater, in the county of Susquehanna, shall hereafter hold their general election at the dwelling-house now occupied by Isaac Post, in the said township of Bridgwater.
- Northumberland. SECT. V. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the electors within the district of Mohontongo township, in the county of Northumberland, shall hold their general elections at the house now occupied by Henry Shadle, miller, in said township.
- Northampton. SECT. VI. *And be it further enacted by the authority aforesaid,* That Toamensing and East Penn townships, in the county of Northampton, be, and the same hereby are erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by John Klutz, in the town of Lehighton in East Penn township.
- Beaver. SECT. VII. *And be it further enacted by the authority aforesaid,* That the electors included within the following bounds in the county of Beaver, shall be a separate election district, that is, beginning at the mouth of the Six-mile run, on the Ohio river; thence a direct line through the plantation of Christopher Worman, excluding his house, to the Greensburg district line; thence with said line to the Ohio state line; thence with the state line to the Ohio river; thence up said river to the place of beginning; and that the general elections in said district, shall be held at the house now occupied by Armstrong Drennon at the cross roads in South Beaver township.
- Lancaster. SECT. VIII. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the inhabitants of that part of Brecknock township, in Lancaster county, near Church town, and being within the following bounds: *viz.* Beginning at a road that crosses Turkeyhill at the east branch of Muddy creek; thence down said creek, including the plantations of Henry Good, Peter Beam, John Beam, and Baltzer Sheder; from thence to the north branch of Muddy creek below John Good's place; thence up said branch to the Reading road; thence along said road to the Berks county line; shall be and the same are hereby attached to the eleventh election district, and the electors therein shall hold their general elections at the house of John Huston, esq. now occupied by Isaac Goshen in Church town.
- Franklin. SECT. IX. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the township of Warren, in the county of Franklin, shall be erected into a separate election district, and the electors thereof shall hold their general elections at the school-house on Michael Cook's land in said township.
- Washington. SECT. X. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the township of Morris, in the county of Washington, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Ebenezer Goble, esq. in said township.

SECT. XI. *And be it further enacted by the authority aforesaid,* 1811.
That from and after the passing of this act, **Hamilton township**, ^{Adams.} in the county of **Adams**, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by **Jacob Kock**, in the town of **Berlin** in said township.

SECT. XII. *And be it further enacted by the authority aforesaid,* ^{Schuylkill.}
That the electors of **West Penn** and **Rush townships**, in **Schuylkill county**, shall hold their general elections at the house now occupied by **George Simon**, in **West Penn township**.

SECT. XIII. *And be it further enacted by the authority aforesaid,* <sup>Philadel-
phia.</sup>
That from and after the passing of this act, the township of **Penn**, in the county of **Philadelphia**, shall be to all intents and purposes separated from the township of the **Northern-Liberties**; and the inhabitants of the said township of **Penn** shall have, use, exercise and enjoy all the rights, privileges and franchises which the inhabitants of other townships in this commonwealth are, or may be by the existing laws thereof, entitled to; and the electors thereof shall from and after the passing of this act, hold their election at the public school-house at the corner of **Eighth-street** and **Buttonwood lane**: *Provided*, That nothing herein contained shall affect any contracts heretofore made or suits now depending wherein the said township of the **Northern-Liberties** is in any manner interested, or a party.

SECT. XIV. *And be it further enacted by the authority aforesaid,* ^{Indiana.}
That from and after the passing of this act the electors of **Mahoning township**, in the county of **Indiana**, shall hold their general elections at the house now occupied by **Isaac M'Henry**, in said township.

SECT. XV. *And be it further enacted by the authority aforesaid,* ^{Berks.}
That from and after the passing of this act, the township of **Hereford**, in the county of **Berks**, shall be erected into a separate election district, and the electors thereof shall hold their general election at the house now occupied by **George Hooff**, in said township.

SECT. XVI. *And be it further enacted by the authority aforesaid,* ^{Luzerne.}
That from and after the passing of this act, the township of **Nescopeck**, in the county of **Luzerne**, be, and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by **John Briggs** in said township.

SECT. XVII. *And be it further enacted by the authority aforesaid,* ^{Adams.}
That the township of **Menallin**, in the county of **Adams**, be, and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by **Frederick Hopkee** in said township; and that the township of **Streban** shall be erected into a separate election district, the electors thereof shall hold their general elections at the house now occupied by **David Freeman** in the town of **Hunterstown**, in said township.

SECT. XVIII. *And be it further enacted by the authority aforesaid,* ^{York.}
That the township of **Washington**, in the county of **York**, be, and the same is hereby erected into a separate election district, and the

1811. electors thereof shall hold their general election at the house now occupied by Michael Bowen, inn-keeper, in said township.

Bedford.

SECT. XIX. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the following described part of Bedford and St. Clair townships, in Bedford county, be and the same is hereby erected into a separate election district; to wit, beginning at the north-east corner of Bedford and Cumberland Valley townships on the top of Will's mountain; thence in a straight line to a corner of John Sill's tract of land adjoining the widow Todd's, near the Raystown branch of Juniata; thence by the division line of said tracts north fifty-two degrees west, to the north side of the state road; thence north twenty degrees west, to intersect Blackburn's road by the same road, a northwesterly course to the intersection of the valley road; thence a straight line crossing Vickeroy's road, and including John Rowser's farm, north thirty-five degrees west, to intersect the Somerset county line on the Allegheny mountain, by the same county line a southerly course to the corner of Londonderry township, at or near the glade road; thence by the line of said Londonderry to the place of beginning; and the electors of said district shall hold their general elections at the house now occupied by George Rock in the town of Shellsburg within said district.

SECT. XX. *And be it further enacted by the authority aforesaid,* That so much of any former law or laws as is hereby altered or supplied, be, and the same is hereby repealed.

Passed 1st April, 1811.—Recorded in Law Book No. XII. page 419.

CHAPTER MMMCCCLXIX.

An ACT to enable the governor to incorporate a company for making an artificial road, by the best and nearest route, from the place where the Wilkes-Barrè road intersects the Coshecton and Great Bend turnpike road, in the township of Clifford, and county of Susquehanna, to the borough of Wilkes-Barrè, in the county of Luzerne.

SECT. 1. [COMMISSIONERS appointed. Who shall procure two books for subscriptions. Notice to be given of opening the books. Two of the commissioners to attend. Books to be kept open six days, &c. Number of shares to be subscribed. Commissioners may adjourn, and transfer the books. Notice thereof to be given. When four hundred and fifty shares are subscribed books to be closed. Five dollars to be paid on each share on subscribing. How appropriated. 2. When the subscriptions shall be certified to the governor, who shall thereupon incorporate the subscribers, by the name of "The President, Managers and Company of the Clifford and Wilkes-Barrè turnpike road," with the usual corporate powers. 3. Of the organization of the company. Officers to be elected. May make by-laws, &c. and to have all the privileges, &c. as the Easton and Wilkes-Barrè turnpike road. Road to be begun in three and completed in ten years, &c.]

Passed 1st April, 1811.—Recorded in Law Book No. XII. page 423.

CHAPTER MMMCCCLXX.

1811.

An ACT to prevent the sale or disposal of spirituous or other liquors without license, at or near places of religious worship.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the first day of October next, if any person or persons shall bring any kind of spirituous liquors, beer, or cider, for the purpose of retailing, giving away or vending the same at or near the place where any congregation, society, or meeting shall be assembled for the purpose of religious worship, except in stores or licensed taverns, he, she, or they, shall forfeit the liquors so brought or offered for sale, and on conviction before any justice of the peace of the proper county, shall pay a fine not exceeding twenty dollars for the use of the poor of the county or township, where the offence shall have been committed; and where there are no poor, to the supervisors of the township for the use of the highways.

No liquors to be sold at or near religious assemblies.

Except in taverns.

Penalty for offending.

SECT. II. *And be it further enacted by the authority aforesaid, That* upon complaint being made on oath or affirmation to any justice of the peace of the proper county, of any offence against the provisions of this act, it shall be the duty of said justice to issue his warrant commanding the constable of the proper township, or any other person who will consent to execute the same, to seize all such liquor so offered for sale; and the same shall be sold at public sale, and the proceeds thereof applied for the use of the poor of the county or township where the offence shall have been committed, and where there are no poor, to the supervisors of the township for the use of the highways: *Provided, That* no person shall be prosecuted or convicted for any offence against this act unless such prosecution be commenced within forty-eight hours after the offence has been committed.

Such liquors to be seized, and sold.

Proceeds how applied.

Prosecution to be brought within 48 hours, &c.

Passed 1st April, 1811.—Recorded in Law Book No. XII. page 426.

CHAPTER MMMCCCLXXI.

An ACT relative to dower, and for other purposes.

WHEREAS by the tenth section of an act passed April fourth, one thousand seven hundred and ninety-seven, entitled “An act supplementary to the act, entitled “An act directing the descent of intestates’ real estates, and distribution of their personal estates, and for other purposes therein mentioned,” it is enacted that if any testator shall devise or bequeath to his wife any portion of his estate, such devise or bequest shall be deemed and taken to be in lieu and bar of her dower out of the estate of her deceased husband, in like manner as if the same were so expressed, unless such testator shall, by his last will and testament declare otherwise; but that nothing in the said section contained shall deprive the widow of her choice either to dower or the estate so devised or bequeathed; but no time

1811. is limited or any mode prescribed when or how such choice shall be made or ascertained, and it is inconvenient to heirs, creditors and purchasers, that such uncertainty should continue: Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That in all cases of devises or bequests to widows, which by force of any last will and testament, or by operation of law, will bar such widow of dower, subject to her right of election to dower or to the estate devised or bequeathed as aforesaid, it shall be lawful for the Orphans' Court on the application of any person interested in the estate of the testator, at any time after twelve months from the death of the testator, to issue a citation to any such widow to appear at a certain time, not less than one month thereafter, in the said court, to make her election either to accept of such devise or bequest in lieu of dower, or to waive such devise or bequest, and to take her dower; of which election a record shall be made which shall be conclusive to all parties; but if such widow shall refuse or neglect to appear upon such citation, upon due proof to the court of the service thereof, the said neglect or refusal shall be deemed an acceptance of the devise or bequest, and a bar of dower, of which a record shall be made which shall be conclusive to all parties concerned.

SECT. II. *And whereas,* it frequently happens that on the final settlement of the accounts of the estates of testates and intestates the personal assets are found to be deficient, and the balance is decreed to be and remain chargeable on the real estate of the testator or intestate:

Be it further enacted, That from and after the passing of this act, in all cases after the final settlement of any administration account in the Orphans' Court, it shall appear that there are not sufficient assets to pay and satisfy the balance appearing to be due and owing from the estate of the deceased, it shall be lawful for the said court on the application of the executors or administrators, or any others interested therein, to make an order that so much of the real estate of which the deceased was seized, or possessed at the time of his decease, shall be sold by the executors or administrators as in the judgment of the court shall be sufficient to satisfy such balance; and the said court shall likewise decree in such cases what contribution shall be made by the heirs or devisees respectively, towards the payment of any debts chargeable on the real estate of any testator, either generally in the first instance, or where the land decreed to be sold shall have been in any manner devised to any heir or devisee, after any such sale being made; and all such sales shall be had, made, and conducted, as in other cases of sales made under the decree of the Orphans' Court by the existing laws.

Passed 1st April. 1811.—Recorded in Law Book No. XII. page 427.

Widows may be cited to appear.

Within what time.

And shall elect between dower, and any devise, bequest, &c.

Consequences of non-appearance.

On a balance appearing against the estate of deceased, on settlement of administrators' accounts, satisfaction to be made from the real estate.

Who may sell. And to what amount. Of contribution from the heirs, &c.

How sales to be made.

CHAPTER MMMCCCLXXII.

1811.

A SUPPLEMENT to an act entitled "*An act to appoint commissioners to regulate the streets, lanes and alleys, in the district of Southwark, and to lay out new streets, lanes and alleys therein, for the accommodation of the inhabitants, and to lay out the roads therein mentioned through the said district, and parts of the township of Moyamensing and Passyunk;*" passed on the twenty-ninth day of September, in the year of our Lord, one thousand seven hundred and eighty-seven. [See vol. 4, pa. 193.]

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* all and every the powers and authorities vested in the supreme executive council by the sixth and seventh sections of the act to which this is a supplement, be, and the same are hereby transferred to, and exclusively vested in the Court of Quarter Sessions for the city and county of Philadelphia, subject, however, to removal or appeal to, and revision in the Supreme court, in the same manner, and under the same provisions and restrictions as are or may be by law provided in other similar cases. Certain powers granted to the Philadelphia court of Quarter Sessions.
Appeal, &c. granted.

SECT. II. *And be it further enacted by the authority aforesaid, That* so much of the sixth and seventh sections of the said act, and so much of an act, entitled "*An act for vesting the powers formerly exercised by the supreme executive council in the proper departments, under the present constitution of the commonwealth,*" passed the twenty-second day of April, one thousand seven hundred and ninety-four, as is altered and supplied by the foregoing section, and no more, be, and the same is hereby repealed. Repealing section.

Passed 1st April, 1811.—Recorded in Law Book No. XII. page 429.

CHAPTER MMMCCCLXXIII.

An ACT to enable Robert Clark, administrator of the estate of James Lang, late of the town of Brownsville, in the county of Fayette, deceased, to sell and convey certain lots of ground therein mentioned.

SECT. 1. [ADMINISTRATOR of James Lang authorized to sell certain lots of ground. And to make conveyance. Appropriation of proceeds. 2. Robert Clark (the administrator) to give security, &c.]

Passed 1st April, 1811.—Recorded in Law Book No. XII. page 430.

1811.

CHAPTER MMMCCCLXXIV.

(Ante. pa.
124.)

A SUPPLEMENT to the act, entitled "An act to enable the governor to incorporate a company for making an artificial road from Anderson's ferry, on the Susquehanna, to intersect the turnpike road from the borough of Lancaster to Columbia, at or near the five-mile stone."

SECT. 1. [COMMISSIONERS authorized to change the route of the "Anderson's ferry," &c. turnpike road.]

Passed 1st April, 1811.—Recorded in Law Book No. XII. page 431.

CHAPTER MMMCCCLXXV.

An ACT to establish an academy in the borough of Williamsport, in the county of Lycoming, and to grant a sum of money thereto.

SECT. 1. [ACADEMY to be established at Williamsport. 2. First trustees named. Who, with their successors, shall be a body politic by the style of "The Trustees of the Williamsport Academy." Yearly income not to exceed two thousand dollars. 3. To have a common seal. 4. Number of trustees, and term of service. Lots to be cast for changing their members. When and how elections to be held. How vacancies are to be supplied. 5. Five members to be a quorum, and the powers of, prescribed. 6. Proceedings to be entered in a book. No misnomer to defeat any gift, &c. Nor any nonuser to cause a forfeiture. 7. Two thousand dollars granted to said academy. How to be paid, and applied. Poor children to be taught gratis, not exceeding five at any one time, and condition annexed to subscription. 8. Trustees to exhibit annually, their books, accounts, &c. Of settlement. And publication.]

Passed 2d April, 1811.—Recorded in Law Book No. XII. page 432.

CHAPTER MMMCCCLXXVI.

An ACT to incorporate an academy or public school in the borough of Erie, and for other purposes therein mentioned.

SECT. 1. [ACADEMY established in Erie. Declared a body politic by the style of "The Trustees of Erie Academy. Income not to exceed four thousand dollars yearly. 2. Number of trustees. Term of service. By whom to be elected. Five members to be a quorum. Lots to be cast for changing the members. When elections to be held, and how. How vacancies to be supplied. 3. First meeting of the trustees. 4. Treasurer to be appointed, and his duties prescribed. Shall be bound with surety. 5. By-laws, &c. to be entered in a book, &c. No misnomer to defeat any gift, &c. 6. Five hundred acres of land granted to the use of said academy; and certain town-lots. Buildings to be erected

thereon. 7. Penalty on trustees neglecting to exhibit their accounts, &c. 1811.
How to be settled and published. 8. Trustees to take the oaths, &c.]

Passed 2d April, 1811.—Recorded in Law Book No. XII. page 435.

CHAPTER MMMCCCLXXVII.

A further SUPPLEMENT to an act, entitled "An act to enable the governor to incorporate a company for making an artificial road from the city of Philadelphia, by Chads' ford on Brandywine, to the line of the state in a direction towards Baltimore." [Vol. 4, p. 505.]

SECT. 1. [PHILADELPHIA, &c. turnpike to be carried over the woodlands road. 2. And to be completed over certain hills, at an angle of four and one half degrees. 3. Notice to be given of dividends. 4. Repealing section.]

Passed 2d April, 1811.—Recorded in Law Book No. XII. page 433.

CHAPTER MMMCCCLXXVIII.

An ACT declaring Huntingdon creek, from the mouth thereof to where the Pine creek empties into the same; thence up Pine creek to Amos Bucklew's saw-mill, in the county of Northumberland, public highways.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* Huntingdon creek, from the mouth thereof; thence up the same to the mouth of Pine creek; thence up Pine creek to Amos Bucklew's saw-mill; shall be, and the same are hereby declared public highways, under the limitations and restrictions hereinafter specified; and it shall and may be lawful for any person or persons desirous of improving or using the navigation of said streams, to remove thereout all obstructions except mill-dams already built, at which dams the person or persons aforesaid shall have full power to make slopes thereon, and keep the same in repair for ever for the passage of boats or rafts.

Part of Huntingdon and Pine creeks declared public highways.

Obstructions in, may be removed, except, &c.

SECT. II. *And be it further enacted by the authority aforesaid, That* nothing in this act contained shall be deemed, taken, or understood to prevent any person or persons possessing lands on said streams of water, who before the passing of this act, had authority under the laws of this commonwealth to erect a dam, from erecting any such dam or dams that he, she or they may think proper: *Provided always,* That every such dam or dams be so constructed, with a proper slope or slopes erected in the most convenient part thereof, so that rafts or boats may not be obstructed in passing down the said waters, which slope or slopes shall be at least twenty feet wide, and be one foot lower than the other parts of said dam, the surface whereof shall be made of wood or other materials well compacted

In what cases dams may be erected, and how.

1811. together, so that as little as possible of the water may be lost in passing down the same; and for every foot said slope shall be in height it shall extend eight feet down the stream.

Passed 2d April, 1811.—Recorded in Law Book No. XII. page 439.

CHAPTER MMMCCCLXXIX.

An ACT authorizing the governor to incorporate a company for making an artificial road from Mount Pleasant, by Bethany and the Narrows of Lackawaxen, to Dingman's ferry, in Wayne county.

SECT. 1. [COMMISSIONERS named. Shall procure three books for subscriptions. Notice to be given of the opening of the books. Two of the commissioners to attend. Who may subscribe. How long books to be kept open. Number of shares to be subscribed. Commissioners may adjourn and transfer the books. Notice of to be given. When the books shall be closed. Five dollars to be paid on each share at subscribing. How to be appropriated. 2. Subscriptions of stock to be certified to the governor. Who shall incorporate the subscribers by the style of "The President, Managers and Company of the Bethany and Dingmanschoice turnpike road," with the usual corporate powers. 3. Of organizing the corporation. Officers to be elected. Who may make by-laws, &c. No member to have more than ten votes, &c. Notice to be given of elections. 4. Lands may be entered upon, &c. and materials taken. Route of the road prescribed. Powers and restrictions of the company to be the same as the Coshecton and Great Bend turnpike road. Work to be commenced in three, and completed in ten years, &c.]

Passed 2d April, 1811.—Recorded in Law Book No. XII. page 440.

CHAPTER MMMCCCLXXXII.

An ACT granting relief to John Morris.

SECT. 1. [FORTY dollars and an annuity of like amount granted to the use of John Morris. When the annuity to commence. How to be expended. Return to be made to the Orphans' Court. Title to a tract of donation land to be released by J. Morris. And the patent to be given up.]

Passed 2d April, 1811.—Recorded in Law Book No. XII. page 446.

CHAPTER MMMCCCLXXXIV.

An ACT to incorporate an academy or public school in the town of Waterford, and for other purposes therein mentioned.

SECT. 1. [ACADEMY to be established at Waterford. Trustees named. Who, and their successors to be a body politic, by the

name of "The Trustees of Waterford Academy." Limitation of income four thousand dollars annually. 2. Number of trustees. Term of service. By whom to be elected. Five members to be a quorum. Lots to be cast for changing the members. When, where and how elections shall be held. How vacancies to be supplied. 3. First meeting of trustees. 4. Treasurer to be appointed, and duties of, prescribed. Shall be bound with surety. 5. By-laws, &c. to be entered in a book. No misnomer to defeat any gift, &c. 6. Five hundred acres of land appropriated to the use of said academy. And certain town-lots. 7. Penalty on trustees neglecting to exhibit their accounts. Which shall be settled and published. 8. Trustees to take the oaths, &c.] 1811.

Passed 2d April, 1811.—Recorded in Law Book No. XII. page 448.

CHAPTER MMMCCCLXXXV.

A SUPPLEMENT to the act, entitled "An act for erecting part of the counties of Berks and Northampton, into a separate county." [Ante, p. 201.]

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the persons who shall be appointed associate judges for the county of Schuylkill, shall take the requisite oaths or affirmations of office before the prothonotary of the Court of Common Pleas of the county of Berks, who shall file a record of the same in the office of the prothonotary of the Court of Common Pleas of the said county of Schuylkill, who may be appointed at any time after the passing of this act, and all certioraries of, and appeals from the judgment of any Justice of the Peace of the said county of Schuylkill, and all criminal prosecutions which may originate in the said county before the teste day hereinafter mentioned, shall be proceeded in as heretofore in the Courts of Common Pleas and Quarter Sessions of the county of Berks; and all process to issue from the courts of the said county of Schuylkill, returnable to the first term in said county, shall bear teste as of the first Monday in the month of October next.

Associate judges of Schuylkill county to take the oaths, &c.
By whom to be administered.
Record of, to be filed.
Of appeals and certioraries.
And criminal prosecutions.
Teste day of process.

SECT. II. *And be it further enacted by the authority aforesaid, That* so much of the act to which this is a supplement, which is hereby altered or supplied, be, and the same is hereby repealed.

Repealing section.

Passed 2d April, 1811.—Recorded in Law Book No. XII. page 451.

CHAPTER MMMCCCLXXXVI.

An ACT to cede the occupancy and use of certain lands near Presque-Isle to the United States, for the purpose therein mentioned.

WHEREAS the Congress of the United States, by an act passed the first day of May, in the year of our Lord, one thousand

1811. eight hundred and ten, authorized the erection of a light-house at or near Presque-Isle, and appropriated a sum of money to defray the expense of erecting the same :

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* all the estate, right, title and interest in law and equity, of, in and to, a piece of land to contain not less than two, nor more than four acres, and the same is hereby granted and vested in the United States of America, for a site to erect a light-house on ; that Daniel Dobbins, James Weston and James Pollock are hereby appointed commissioners, and they are required to lay off a piece or lot of land, which lot may be laid off within the reserved tract the property of this commonwealth, lying east of the town of Erie, on the bank of the lake, at such place and in such form as may be thought most proper to erect a light-house on ; (provided the most suitable place can be found on said reserved tract ;) and the three commissioners before mentioned shall call on at least three of the captains or commanders of vessels, and obtain their opinions as to the most proper place where a light-house ought to be erected, so as to be the most advantage to persons bringing vessels into the harbour or anchorage ground ; and the commissioners aforesaid shall view, and lay off a proper site to erect a light-house on, and shall under their hands and seals transmit a plot or draft thereof, with the courses and distances of the lot so laid off, to the secretary of the treasury of the United States, before the first day of July next : *Provided, That* it shall be lawful to lay out and open convenient roads through such parts of the said lot as the reasonable accommodation of the state or its citizens may require, without injury to the United States, in respect to the true object of the cession ; and it is the express intent and meaning of this act, that nothing herein contained shall be deemed, construed, or in anywise taken to cede and transfer unto the United States the jurisdiction or right of soil, in and to the said lot, but only the occupancy and use thereof for the purposes aforesaid.

Passed 2d April, 1811.—Recorded in Law Book No. XII. page 452.

CHAPTER MMMCCCLXXXVII.

An ACT to authorize the granting of patents on surveys heretofore made and received in the land-office.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* it shall be lawful for the officers of the land-office to issue patents in the usual manner, on surveys made which have been heretofore returned and received by the surveyor-general, notwithstanding any such survey may contain an excess of more than ten per cent. above the number of acres mentioned in the warrants respectively : *Provided, That* no such patent shall be construed to defeat or affect the

A certain piece of land ceded to the United States to erect a light-house upon.

Commissioners appointed.

How the site to be fixed.

And laid off.

Draft of to be transmitted to the secretary of the treasury of the U. S.

Roads may be laid out, &c.

Use of the land, &c. only granted.

Patents may issue on certain surveys containing an excess, &c.

Proviso.

right or title of any other person or persons which may have accrued by improvement or otherwise, to any such excess. 1811.

SECT. II. *And be it further enacted by the authority aforesaid,* That any Connecticut settler, his, her, or their legal representative, holding land under the act, entitled "An act for the purpose of adjusting the titles to lands in Bedford and Ulster townships, in Luzerne and Lycoming counties, passed March nineteenth, one thousand eight hundred and ten, who may have received, or shall hereafter receive patents for the same, agreeably to the directions of said act, shall be at liberty at the time of receiving his, her, or their patent or patents, or at any time thereafter, to pay the whole of the purchase money and interest due, or any number of instalments due or to become due, with the interest on the principal sum due at the time of said payment.

Certain Connecticut settlers authorized and allowed to pay all or part of the purchase money, &c.

(Ante. p. 127.)

Passed 2d April, 1811.—Recorded in Law Book No. XII. page 453.

CHAPTER MMMCCCLXXXVIII.

An ACT relinquishing the claim of the commonwealth, to certain arrears of state taxes, and for other purposes therein mentioned.

SECT. 1. [CERTAIN monies granted to the county of Lancaster, on certain conditions.]

Passed 2d April, 1811.—Recorded in Law Book No. XII. page 454.

CHAPTER MMMCCCLXXXIX.

An ACT to release all the title of this commonwealth in and to a certain estate therein mentioned.

SECT. 1. [CLAIM of the commonwealth to certain land, released in favour of Elizabeth Shaeffer, which had escheated.]

Passed 2d April, 1811.—Recorded in Law Book No. XII. page 455.

CHAPTER MMMCCCXC.

An ACT incorporating the Schuylkill falls bridge company, and for other purposes.

SECT. 1. [STOCKHOLDERS of the Schuylkill falls bridge company incorporated, by the name of "The President and Managers of the Schuylkill falls bridge Company," with the usual powers. 2. General and special meetings to be held. How special meetings to be called. Notice to be given. Accounts to be submitted. Officers to be chosen. Term of service. 3. Three members to be a quorum, and the powers of, prescribed. Certain rights, &c. vested in said corporation.]

Passed 2d April, 1811.—Recorded in Law Book No. XII. page 456.

1811.

CHAPTER MMMCCCXCI.

An ACT to incorporate the union canal company of Pennsylvania.

SECT. 1. [CERTAIN former acts repealed. Corporate titles of the Schuylkill and Susquehanna, and Schuylkill and Delaware canal navigation, to cease. Style of the corporation, to be "The Union Canal Company of Pennsylvania." All estates held, and all suits brought under the former titles to be valid. Proceedings, &c. to be altered. 2. Stockholders incorporated. Privileges of the corporation. Certificates of shares to be issued. 3. Shares proportioned. 4. Number of votes to be given by the stockholders. Stock to be transferrable. Transfers how to be made. No alien to be a stockholder. 5. When the annual meeting shall be held. Abstract of the accounts to be produced. Each stockholder to receive a copy. Also the governor and legislature. Vacancies how supplied. 6. Presidents may call a meeting of the stockholders. Notice to be given. If the stockholders agree to the provisions of this act, it shall be certified to the governor. Who shall thereupon declare by proclamation, this act to be in force. 7. Joint meeting of the stockholders to be held. Officers to be chosen. Tenure of office. May enact by-laws, &c. Fix salaries and wages. And appoint a secretary, &c. 8. Qualifications of the president. And managers. 9. Treasurer to give security. Bond to be deposited in the secretary's office. Duties of the treasurer. How monies shall be drawn. Vacancy in the office of treasurer, how supplied. 10. Canal may be opened. And route how to be fixed. May make soughs, basons, &c. And wing-dams, provided they do not extend more than one third across the river. Nor to impede the navigation. No toll to be exacted of boats navigating the Schuylkill. 11. Aqueducts may be constructed across the Schuylkill. 12. Corporation may contract to supply the city with water. And with the commissioners of part of the Northern Liberties. And with the commissioners of the county of Philadelphia. And with private individuals. And may lay pipes and conductors. And form wet and dry docks. 13. Bridges or fords to be erected, &c. where the canal divides the grounds of individuals. 14. New modes and devices may be adopted. President, &c. may enter upon lands. And make purchases. How damages to be assessed. Execution may issue for the amount. Valuation how made. 15. The president, &c. may purchase land for a turnpike road. Width of road. And tolls to be received. 16. Warehouses may be purchased, &c. And sell, or lease the same. And the surplus water of the canal. 17. Receipts for the use of warehouses to be considered as toll money. 18. President, &c. may take materials, &c. 19. Penalty on injuring the navigation, locks, &c. 20. Collectors may detain boats, for tolls due. Or distrain part of the cargo. Which may be sold, &c. 21. How rates of toll to be fixed. 22. Account of receipts to be kept. And dividends made. Abstracts of accounts to be laid before the legislature. 23. If the work be not completed before 1830, the privileges may be resumed. But if 50 miles be previously completed, time to be extended. 24. Property of the canal vested in

the corporation. Excess of income to compose a fund for the redemption, &c. Toll for keeping the works in repair. How donations to be invested. When the canal may be freed. Legislature may free the canal. How the value of, to be ascertained. If the work be not freed, the company to hold it, &c. One per cent. to be retained, when the dividends exceed fifteen per cent. 24. Officers of the United States may subscribe for stock. And may appoint an agent. And privileges of. 25. Gift, &c. may be received as a sinking fund. 26. Loans may be raised, on mortgage, &c. Mortgages how transferable. How the company funds may be vested. 27. No lottery tickets to be sold, except such as are authorized by the laws of the state. Penalty on offending. 28. President, &c. to raise by lottery three hundred and forty thousand dollars. Managers may be appointed. Or the right to raise money by lottery may be farmed out. Managers to give security. Governor to appoint five commissioners to superintend the drawings. Oath to be taken by. Three or more to attend. List of the fortunate numbers to be published. Compensation of the commissioners. Proceeds of the lotteries, how to be considered. 29. Surveys, &c. of the route to be made. Copy to be deposited with the secretary. Legislature may invest monies in the stock of the company. And be entitled to dividends. And appoint an agent. Privileges of. 30. Route may be extended to lake Erie, &c.]

Passed 2d April, 1811.—Recorded in Law Book No. XII. page 458.

CHAPTER MMMCCCXCII.

An ACT to authorize the sale of the real estate of Michael Helman, a lunatic, and for other purposes therein mentioned.

SECT. 1. [JOHN GILL and George Wallace, empowered to convey certain lands, and to give security to dispose of the proceeds for the benefit of the lunatic and his heirs.]

Passed 2d April, 1811.—Recorded in Law Book No. XII. page 474.

CHAPTER MMMCCCXCIII.

An ACT to incorporate "The Bucks county contributionship for insuring houses and other buildings from loss by fire."

SECT. 1. [DIRECTORS to procure a book. Names to be inserted. Names of future members to be inserted. Subscribers incorporated. Style of the corporation to be, "The Bucks county contributionship for insuring houses and other buildings from loss by fire." Limitation as to real estate. Of by-laws, &c. When annual and other meetings are to be held. How to be called. May do corporate acts. Income of real estate not to exceed three thousand dollars. 3. Directors named. Term of service. No salary, &c. allowed to. 4. Books, &c. of the company, vested in the cor-

1811. } poration. No contract to be impaired. 5. When and where the general meetings to be held. Officers to be elected. Term of service. Elections by whom to be held. And reported. 6. Directors may rent an office. And appoint clerks, surveyors, &c. May give out policies, &c. And provide books. May suspend or remove any officer, &c. 7. Accounts to be laid before the yearly meeting. 8. Rate of contribution to be settled. And published. Remedy where a member conceives himself over-rated. Within what time rates to be paid. Penalty on neglect. 9. How often directors shall meet. Number of them fixed. Proceedings to be valid, except, &c. How vacancies to be supplied. 10. Directors may purchase bank stock. And loan money. Limitation of loans. No act to be done in the nature of banking. 11. Treasurer to pay orders. 12. Rewards may be given, &c. 13. And deposit money enlarged. 14. John Stapler appointed treasurer. Duties of the treasurer. To give security, &c. Directors to see security given. Penalty on neglect. 15. On every application for insurance, a deposit to be made. When to be returned. If not demanded within three years, to be forfeited, &c. 16. Each person insuring to have one or more policies. When insurances to be valid. 17. Proportions to be paid by persons insuring. 18. Transfers to be entered within eight weeks. Penalty on neglect. 19. Notice of loss by fire to be immediately given. 20. When the dividends to be made. 21. Contributions to be stated annually. 22. How insurances may be enlarged. 23. No loss to be paid if the buildings are elsewhere insured. 24. Power of resumption retained, but shall not affect any contract entered into.]

Passed 2d April, 1811.—Recorded in Law Book No. XII. page 475.

CHAPTER MMMCCCXCV.

An ACT enabling Christiana Bear, widow and administratrix of Isaac Bear, deceased, to convey a certain piece of land situate in Muncy-creek township, Lycoming county.

SECT. 1. [CHRISTIANA BEAR authorized to convey a certain piece of land. The proceeds to be applied to the benefit of the heirs of the deceased.]

Passed 2d April, 1811.—Recorded in Law Book No. XII. page 484.

CHAPTER MMMCCCXCVI.

An ACT granting an annuity to Joseph Wren, for life.

SECT. 1. [FORTY dollars granted for the use of Joseph Wren, and an annuity of like amount. When the annuity to commence. Statement to be made thereof. Clerk to file the account without fee.]

Passed 2d April, 1811.—Recorded in Law Book No. XII. page 481.

CHAPTER MMMCCCXCVII.

1811.

An ACT to enable the governor to incorporate a company to make an artificial road by the best and nearest route from the confluence of the Yellow-breeches creek, with the river Susquehanna, to intersect the York and Conewago canal turnpike road, at any point the board of managers shall think most eligible.

SECT. 1. [COMMISSIONERS appointed. Two books to be procured for subscription. Notice to be given of the opening of the books. Two of the commissioners to attend. Who may subscribe. How long the books to be kept open. Commissioners may adjourn and transfer the books. Notice thereof to be given. When the books shall be closed. Five dollars to be paid on each share at subscribing. How to be appropriated. 2. When subscriptions shall be certified to the governor. Who shall thereupon incorporate the subscribers by the name of "The President, Managers and Company of the Yellow Breeches turnpike road," with the usual corporate powers. 3. Notice to be given of organizing the company. Officers to be chosen. Term of service. Powers and restrictions of, to be the same as Susquehanna and York Borough turnpike road, &c.]

Passed 2d April, 1811.—Recorded in Law Book No. XII. page 485.

CHAPTER MMMCCCCI.

An ACT making appropriations to defray certain expenses of government.

SECT. 1. [APPROPRIATION for clerk hire in the secretaries' office. Secretary of the land office. Surveyor-general. Contingent expences in secretary's office. Secretary of the land-office. Surveyor-general. Board of property. 2. Miscellaneous claims.]

SECT. III. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the secretary of the land-office, to make report to the legislature during the first week of every session, of the business that shall have been performed in his office within the preceding year, together with the state of his office during that period.

Secretary
of the
land-office to
report, &c.

SECT. 4. [Two hundred dollars appropriated to indemnify state treasurer.]

Passed 2d April, 1811.—Recorded in Law Book No. XII. page 491.

CHAPTER MMMCCCCII.

An ACT authorizing the Court of Quarter Sessions of the Peace, of Beaver county, to direct a review of part of a road from Beaver town to the state line.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assem-*

1811.

Part of a cer-
tain state
road to be
reviewed.

And altered
if necessary.

Draft of the
courses &c.
to be filed.

Expenses
how to be
paid.

bly met, and it is hereby enacted by the authority of the same, That the Court of Quarter Sessions of the Peace of Beaver county, be, and they are hereby directed to appoint six suitable persons to re-view such part of the state road laid out from Beaver town, to the Pennsylvania state line, as lies between said line and the western line of McClain's district of depreciation land; and if on the report of the said viewers, or any five of them, making an alteration in said road, the court should confirm the same, a draft with the courses and distances of said road shall be filed with the clerk of said court, who shall transmit a duplicate thereof to the secretary of the commonwealth; and the road so laid out, shall be a part of the state road aforesaid, and that part rendered unnecessary shall be vacated, and the expenses incurred shall be paid by warrants drawn by the commissioners on the treasurer of Beaver county.

Passed 2d April, 1811.—Recorded in Law Book No. XII. page 492.

CHAPTER MMMCCCCIII.

[Test.] *An ACT to encourage the constructing of certain great and leading roads, within this commonwealth, and the erection of bridges over the Susquehanna, at Harrisburgh, Northumberland, Columbia, and McCall's ferry.*

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the sum of eight hundred and twenty-five thousand dollars, be, and the same hereby is appropriated for the purposes, and to be applied as hereinafter directed.*

SECT. II. *And be it further enacted by the authority aforesaid, That Nathan Beach of the city of Philadelphia, and Robert Harris and John Schoch, of the town of Harrisburgh; William McCandless and Adamson Tannehill, of the town of Pittsburgh, be, and they are hereby appointed commissioners, for the purposes hereinafter mentioned, viz. They shall meet on the first Monday of May next, at the town of Harrisburgh, and shall proceed to view the different routes for which laws have been passed for making turnpike roads from Harrisburgh to Pittsburgh, commonly denominated the northern and southern routes; and having taken into view the shortness of distance, together with the cheapness and practicability of making a turnpike road, shall report to the governor, which of the routes aforesaid shall be established, as the one to which the appropriation made by this act shall be applied; which report being signed by a majority of the said commissioners, and filed in the office of the secretary of the commonwealth, shall be final and conclusive; and the said commissioners shall receive the sum of three dollars each, for every day they shall necessarily be employed in performing the duties enjoined on them by this act; to be paid to them by the state treasurer, out of any money in the treasury not otherwise appropriated.*

\$25,000 dol-
lars appro-
priated.

Commission-
ers appoint-
ed, &c.

Time and
place of
meeting.
To view two
certain
routes from
Harrisburgh
to Pitts-
burgh.

And report
to the gover-
nor.

Shall receive
three dollars
per diem.

1811.

SECT. III. *And be it further enacted by the authority aforesaid,* That as soon as the company shall become incorporated, on the route which may be determined on by the aforesaid commissioners, and whose capital, actually paid by the stockholders, shall amount to one hundred and fifty thousand dollars, the governor be, and he is hereby authorized and directed to subscribe, to the stock of the aforesaid company, the sum of three hundred and fifty thousand dollars; and the sum which the governor is hereby directed to subscribe to the stock aforesaid, shall be paid on warrants drawn by the auditor-general on the state treasurer, in the following manner: that is to say, one hundred thousand dollars immediately after it shall have been ascertained, that the real capital of such company amounts to the said sum of one hundred and fifty thousand dollars; and a further sum of one hundred thousand dollars on the completion of the first fifty miles of the said road, beginning at the edge of the river Susquehanna, opposite Harrisburgh, or at the borough of Harrisburgh, as the case may be, and proceeding in a continued direction towards Pittsburgh; and the further sum of one hundred thousand dollars shall be paid on the completion of the second fifty miles; and the remaining sum of fifty thousand dollars shall be paid on the completion of the third distance of fifty miles in continuation of said road in the direction aforesaid.

When the stockholders shall have paid 150,000 dollars, the governor to subscribe 350,000 dollars, &c.

When and in what manner to be paid.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the governor be, and he hereby is authorized and directed to subscribe a sum, not exceeding two hundred thousand dollars, out of the sum herein appropriated, to the stock of any company who may hereafter be incorporated, for the purpose of making a turnpike road from Northumberland to the town of Waterford, in the county of Erie, whose shares of capital stock subscribed, shall amount to two hundred thousand dollars; and the sum which the governor is hereby directed to subscribe, in the stock aforesaid, shall be paid on warrants drawn by the auditor-general on the state treasurer, in the following manner, *to wit*, one hundred thousand dollars immediately after it shall have been ascertained, that the real capital of such company amounts to the sum of one hundred thousand dollars; and the further sum of one hundred thousand dollars on the completion of the first fifty miles of the said road, beginning at Northumberland, and proceeding in a continued direction towards the town of Waterford aforesaid.

200,000 dollars to be subscribed and paid to the Northumberland and Waterford turnpike road.

How and when to be paid.

SECT. V. *And be it further enacted by the authority aforesaid,* That the governor be, and he is hereby authorized and directed to subscribe for one hundred and fifty shares in the stock of the Downingtown, Ephrata, and Harrisburgh turnpike road; to be paid out of the monies hereby appropriated, in the following manner, *to wit*, the amount of eighty shares, when the said road shall have been completed six miles in continuation from the place to which it is at this time completed; and the remaining seventy shares, when the whole road shall have been completed.

150 shares of the stock of the Downingtown, Ephrata, and Harrisburgh road to be subscribed for by the governor.

How and when to be paid.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the governor be, and he is hereby authorized to subscribe for four hundred shares of the stock of the Milford and Owago turnpike road; to be paid when twenty miles of said road shall be finished and completed.

400 shares of stock of the Milford and Owago road to be subscribed for, &c.

1811.

50,000 dollars to be subscribed for building a bridge at Harrisburgh. When to be paid.

50,000 dollars to be subscribed for building a bridge at Northumberland.

50,000 dollars for one at Columbia.

And 20,000 dollars for one at McCall's ferry.

What monies to be paid out of.

Part of the "act for the improvement of the state," to be repealed.

(Post.)

The supplement to the Harrisburgh and Pittsburgh turnpike road law to be repealed.

(Post.)

The state, on subscriptions, to have the same rights as individuals.

Payments to be made out of unappropriated monies, &c.

Time for commencing the roads

SECT. VII. *And be it further enacted by the authority aforesaid,* That the governor be, and he is hereby authorized and directed to subscribe a sum, not exceeding ninety thousand dollars, to the stock of the company which may hereafter be incorporated, for building a bridge over the Susquehanna at Harrisburgh; one half to be paid when the piers and abutments shall have been constructed; and the other half when the superstructure shall have been raised; and to subscribe a sum, not exceeding fifty thousand dollars, on the same conditions, in the stock of the company which may hereafter be incorporated, for building a bridge across the east branch of the Susquehanna, opposite Shamoken island and the town of Northumberland; and to subscribe a sum on the same conditions, not exceeding ninety thousand dollars, to the stock of the company which may hereafter be incorporated, for the purpose of building a bridge over the river Susquehanna, at or near Columbia; and to subscribe a sum on the same conditions, not exceeding twenty thousand dollars, to the stock of the company, which may hereafter be incorporated, for the purpose of building a bridge over the river Susquehanna, at or near McCall's ferry; under the several laws passed for those purposes; and, in either and all the above cases, the payments shall be made out of the monies by this act appropriated, in manner aforesaid.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That in case the subscription authorized, on the part of the state, by the third section of this act, should be made to the stock of the Harrisburgh, Lewistown, Huntingdon, and Pittsburgh turnpike company; then, in that case, so much of the act, entitled "An act for the improvement of the state," passed the twenty-first day of March, one thousand eight hundred and eight, as authorizes the governor to subscribe for two thousand shares in the stock of said company, be, and the same hereby is repealed.

SECT. IX. *And be it further enacted by the authority aforesaid,* That in case the subscriptions authorized, on the part of the state, by the third section of this act, should be made to the stock of the Harrisburgh and Pittsburgh turnpike company; then, in that case, the act, entitled "A supplement to an act, entitled an act, authorizing the governor to incorporate a company, for making an artificial road from the bank of the river Susquehanna, opposite the borough of Harrisburgh, to Pittsburgh," passed the thirty-first of March, one thousand eight hundred and seven, be and the same is hereby repealed; and the act to which said act is a supplement, shall be in full force.

SECT. X. *And be it further enacted by the authority aforesaid,* That the subscriptions and payments authorized to be made, by this act, shall, for every share subscribed and paid, vest in the commonwealth, all the rights, estates, and emolument appertaining to a share or shares held by individual stockholders.

SECT. XI. *And be it further enacted by the authority aforesaid,* That so much of the unappropriated monies in the treasury at any time when payments are demanded, under this act, be and they are hereby appropriated to liquidate the same.

SECT. XII. *And be it further enacted by the authority aforesaid,* That the time for commencing the construction of the road, under

the act, entitled "An act authorizing the governor to incorporate a company for making an artificial road from the bank of the river Susquehanna, opposite the borough of Harrisburgh, to Pittsburgh," and under the act, entitled "An act authorizing the governor to incorporate a company, for making an artificial road from Harrisburgh, through Lewistown and Huntingdon, to Pittsburgh," be and the same is hereby extended for the term of three years, from the end of the present session of the general assembly.

1811.
from Harris-
burgh to
Pittsburgh
extended.

Passed 2d April, 1811.—Recorded in Law Book No. XII. page 493.

CHAPTER MMMCCCCIV.

An ACT making appropriation for certain internal improvements. (Post.)


SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the sum of one thousand five hundred dollars, be, and the same is hereby appropriated for the purpose of opening a road from the white horse tavern in Somerset county to the federal turnpike in Fayette county, as laid out by the commissioners appointed for that purpose by the governor, in conformity to a law passed the fourth day of April, one thousand eight hundred and nine; one thousand dollars thereof to be paid to the commissioners of Fayette county, and five hundred dollars thereof to be paid to John Fletcher and Samuel Wright of Somerset county; who are hereby made commissioners to receive and expend the same, and to be accountable for the faithful expenditure of the same, as hereinafter mentioned: *Provided,* That the money hereby appropriated shall be expended exclusively in opening the road aforesaid, between the town of Connelville, in Fayette county, and the town of Berlin in Somerset county.

1,500 dollars
appropriated
for opening a
road in So-
mer-set and
Fayette
counties.

How to be
expended.

SECT. II. *And be it further enacted by the authority aforesaid,* That the sum of one thousand dollars, be, and the same is hereby appropriated for improving the road in Somerset county, five hundred dollars thereof to be paid to the commissioners of said county for improving the Glade road, and five hundred dollars thereof to be paid to John Statler, George Graham and John Dennison, who are hereby appointed commissioners to receive and expend the same, and to account therefor as is herein after provided, and which they are to expend in manner following; viz. four hundred and fifty dollars for improving the Pennsylvania road, and fifty dollars thereof, for improving that part of the old Pennsylvania road between Murphey's and the Westmoreland county line, in a direction to McIntire's; and five hundred and fifty dollars to be paid to the commissioners of Cambria county to be expended as follows; viz. for improving that part of the road from the Huntingdon county line, on the top of Allegheny mountain to Munster, one hundred and fifty dollars; for improving the road from Munster to Ebensburg, one hundred and fifty dollars; for improving the road from Ebensburg to Beula, fifty dollars; for improving the road from Beula to the

1000 dollars
appropriated
for improve-
ments in So-
mer-set and
Cambria
counties.

1811.  Indiana county line, toward the western boundary of the state, one hundred dollars; for improving that part of the state road from Beula to the Cambria county line, in a direction towards Pittsburgh, one hundred dollars.

Franklin
county.

SECT. III. *And be it further enacted by the authority aforesaid,* That the sum of six hundred dollars be, and the same is hereby appropriated to be paid to the commissioners of Franklin county, three hundred dollars thereof for improving the stage road from Loudon to the Bedford county line; three hundred dollars thereof for improving the state road from Strasburgh to the Bedford county line.

Road to be
laid out from
Campbell's
bridge in
Huntingdon
county to
Kishicoquillas
valley.

SECT. IV. *And be it further enacted by the authority aforesaid,* That James Milligan, John McDowell, and John Gillespie of the county of Mifflin, Isaac Campbell, Robert Leonard, and John Crumb of the county of Huntingdon, are hereby appointed commissioners to lay out and mark a road, beginning at John Campbell's bridge in Huntingdon county, and from thence the nearest and best route over Chesnut ridge, by Sinkey's gap: from thence to intersect the public road leading up the Kishicoquillas valley; and the commissioners aforesaid, or any five of them shall, as soon as convenient, proceed to perform the duties enjoined on them by this act, and shall deposit a draft in the office of the clerk of the Quarter Sessions of Mifflin county, of so much of said road as may be therein; and a draught in the office of the clerk of the Quarter Sessions of Huntingdon county, of so much of said road as may be therein; which shall be a record of said road, and from thenceforth shall be to all intents and purposes a public highway; and the expense of the commissioners aforesaid, in laying out and marking said road, shall be paid out of the county treasuries of Mifflin and Huntingdon, each paying a moiety thereof, on orders drawn by the commissioners on the treasurer of their respective counties.

Expense of,
how paid.

Appropriation for im-
provements
in Mifflin
county.

SECT. V. *And be it further enacted by the authority aforesaid,* That the sum of six hundred dollars be, and the same is hereby appropriated to be paid to the commissioners of Mifflin county for improving the road through the long narrows.

Northumber-
land county.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the sum of seven hundred dollars be, and the same is hereby appropriated to be paid to the commissioners of Northumberland county, for improving the road from Catawissa to the Centre turn-pike.

Bedford
county.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the sum of fourteen hundred dollars be, and the same is hereby appropriated to be paid to the commissioners of Bedford county, three hundred dollars thereof for improving that part of the stage road leading through McConnellsburch, from the Franklin county line to the top of Ray's hill; three hundred dollars thereof for improving that part of the state road, leading by fort Littleton from the Burnt Cabbins, to the top of Ray's hill; four hundred dollars thereof for improving the state road from the top of Ray's hill to the forks of the road above Bedford; two hundred dollars thereof, for improving the state road from the forks of the old Pennsylvania road to the line of Somerset county; and two hundred dollars there-

of, for improving the Glade road, from the forks of the aforesaid road, to the line of Somerset county. 1811.

SECT. VIII. *And be it further enacted by the authority aforesaid,* Cumberland county. That the sum of six hundred dollars be, and the same is hereby appropriated to be paid to the commissioners of Cumberland county; five hundred dollars thereof for improving the mountain part of the road over Waggoner's gap; one hundred dollars thereof for improving the road over the Tuscarora mountain at the run gap.

SECT. IX. *And be it further enacted by the authority aforesaid,* Wayne county. That the sum of one thousand dollars be, and the same is hereby appropriated to be paid to the commissioners of Wayne county; five hundred dollars thereof for aid in erecting a bridge over the Wallanpaupack creek and flats on the road leading from Milford to the great bend of the Susquehanna, between William Chapman's and Silas Purdey's; and five hundred dollars for opening a road from Blooming grove to the house of Ephraim Kimble, at the falls of Lackawaxen.

SECT. X. *And be it further enacted by the authority aforesaid,* Northampton county. That the sum of one thousand dollars be, and the same is hereby appropriated to be paid to the commissioners of Northampton county; five hundred dollars thereof for improving the road though the Delaware water gap in the township of lower Smithfield, and five hundred dollars for improving the road over the blue mountain, at the place called Smith's gap.

SECT. XI. *And be it further enacted by the authority aforesaid,* Dauphin county. That the sum of seven hundred dollars be, and the same is hereby appropriated to be paid to the commissioners of Dauphin county; three hundred dollars thereof for improving the road from Green's mill, over Peter's mountain, to Moorehead's ferry; and four hundred dollars for improving the road from Fishing creek, at McAlister's mill, to Clarke's ferry.

SECT. XII. *And be it further enacted by the authority aforesaid,* Tioga county. That the sum of five hundred dollars be, and same is hereby appropriated to be paid to the commissioners of Tioga county, for improving Williamson's road between Aaron Bloss's and the south line of the county.

SECT. XIII. *And be it further enacted by the authority aforesaid,* Ontario county. That the sum of seven hundred and fifty dollars be, and the same is hereby appropriated to be paid to the trustees of Ontario county, for improving the following roads: to wit, five hundred dollars thereof for the road from Lycoming to the state line opposite to Newtown, to be laid out between Ezra Spalding's and the state line road from Muncy to Towandee, in a direction to Tioga point; and that the further sum of one thousand dollars be, and the same is hereby appropriated to be paid to the commissioners of Lycoming county for improving the following roads; to wit, five hundred dollars thereof for the road from David Reynolds's up the Lycoming creek to Ontario county, five hundred dollars thereof for Williamson's road from David Reynolds's to Tioga county.

SECT. XIV. *And be it further enacted by the authority aforesaid,* Erie county. That the sum of four hundred and fifty dollars be, and the same is hereby appropriated to be paid to John Little and James Weston,

1811. for improving the following roads in the county of Erie; to wit, two hundred and twenty-five dollars for the state road from Milesburgh to Waterford, and two hundred and twenty-five dollars for the new state road from Pittsburgh to Waterford, so far as the said roads pass through the county of Erie.

Crawford
county.

Conewango
creek.

Venango
county.

SECT. XV. *And be it further enacted by the authority aforesaid,* That the sum of six hundred dollars be, and the same is hereby appropriated to be paid to the commissioners of Crawford county for improving the following roads: to wit, three hundred dollars for the state road from Pittsburgh to Waterford, passing through the town of Meadville, and three hundred dollars for the state road from Milesburgh to Waterford, passing over the branches of Oil creek.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That the sum of three hundred dollars be, and the same is hereby appropriated for improving and clearing out the navigation of Conewango creek, from the mouth to the state line, to be paid to Martin Reese and Ralph Marlin, who are hereby made commissioners to receive and expend the same, and to be accountable for the faithful expenditure as hereinafter provided.

SECT. XVII. *And be it further enacted by the authority aforesaid,* That the sum of five hundred dollars be, and the same is hereby appropriated to be paid to the commissioners of Venango county, for improving the following roads: viz. two hundred and fifty dollars for the state road from Butler to Meadville, where it passes through Venango county by the town of Franklin; and two hundred and fifty dollars for the state road from Waterford to Milesburgh, where it passes through the county of Venango, and crosses the Allegheny river at the ferry of Eli Huleman.

Butler coun-
ty.

Allegheny
county.

Indiana
county.

SECT. XVIII. *And be it further enacted by the authority aforesaid,* That the sum of seven hundred dollars be, and the same is hereby appropriated, to be paid to the commissioners of Butler county, for improving the roads as follow: viz. three hundred and fifty dollars for the state road from the town of Butler to the line of Venango county, and three hundred and fifty dollars for the state road from the town of Butler to the line of Mercer county.

SECT. XIX. *And be it further enacted by the authority aforesaid,* That the sum of one thousand dollars be, and the same is hereby appropriated, to be paid to the commissioners of Allegheny county, for building a bridge over Turtle creek, where the state road crosses the same near Myers Powell's tavern.

SECT. XX. *And be it further enacted by the authority aforesaid,* That the sum of seven hundred dollars be, and the same is hereby appropriated, to be paid to the commissioners of Indiana county, for improving the state road from Milesburgh to Waterford, where it passes through the county of Jefferson, between the counties of Clearfield and Armstrong; and that the further sum of seven hundred dollars be, and the same is hereby appropriated, to be paid to the commissioners of Armstrong county; three hundred dollars thereof for improving that part of the Milesburgh and Waterford road, which passes through the county of Armstrong; and four hundred dollars thereof for improving that part of the state road which lies between the western line of Indiana county and the town of

Kittaning, in a direction from Blair's gap towards the western boundary of this state. 1811.

SECT. XXI. *And be it further enacted by the authority aforesaid,* Indiana county. That the sum of seven hundred dollars be, and the same is hereby appropriated, to be paid to the commissioners of Indiana county, for improving a road from the town of Indiana to the line of Clearfield county, which is laid out to intersect the road from Milesburgh to Waterford.

SECT. XXII. *And be it further enacted by the authority aforesaid,* Clearfield county. That the sum of seven hundred dollars be, and the same is hereby appropriated, to be paid to the commissioners of Centre county, for improving the roads in Clearfield county, as follow: viz. two hundred dollars for the road leading from the town of Indiana, where it crosses the line between the counties of Indiana and Clearfield, until it intersects the road from Milesburgh to Waterford; four hundred dollars for the road from Milesburgh to Waterford, between the west branch of the Susquehanna river, and the line between the counties of Clearfield and Jefferson, and one hundred dollars for the said road from Clearfield creek to the line of Centre county.

SECT. XXIII. *And be it further enacted by the authority aforesaid,* Mercer county. That the sum of six hundred dollars be, and the same is hereby appropriated, to be paid to the commissioners of Mercer county, for the improvement of the state roads in said county, one hundred and fifty dollars for the state road from the town of Mercer to the line of Crawford county; one hundred dollars for the state road from the town of Mercer to the line of Butler county; one hundred dollars for the road from the town of Mercer to the line of Beaver county; one hundred dollars for the road from the town of Mercer to Pittsburgh by way of Harmony, to the line of Butler county; and one hundred and fifty dollars for the state road from Blair's gap to the western boundary of the state, and building a bridge over the Neshanock creek, where the road leading into Washington street, in the town of Newcastle, crosses the same.

SECT. XXIV. *And be it further enacted by the authority aforesaid,* Beaver county. That the sum of five hundred dollars be, and the same is hereby appropriated, to be paid to the commissioners of Beaver county, for improving the roads, as follow: viz. two hundred dollars for the Narrows of the road from the town of Beaver to Brighton, and three hundred dollars for opening the state road leading from Beaver town to the western boundary of the state, in a direction towards New Lisbon.

SECT. XXV. *And be it further enacted by the authority aforesaid,* Centre county. That the sum of six hundred dollars be, and the same is hereby appropriated, to be paid to the commissioners of Centre county, for improving the roads and Penn's creek, as follow: viz. three hundred dollars for clearing out and improving the navigation of Penn's creek in Centre county, and three hundred dollars for the road from Bellefonte, past Potter's mill to Mifflin county line.

SECT. XXVI. *And be it further enacted by the authority aforesaid,* Westmoreland county. That the sum of fourteen hundred dollars be, and the same is hereby appropriated, to be paid to the commissioners of Westmoreland county; six hundred and fifty dollars thereof for improving that

1811.

part of the Glade road from the line of Somerset county, on the summit of Laurel-hill to Golden's tavern, at the west side of Chesnut ridge; one hundred dollars thereof for improving the state road between Backhouse's tavern, on the top of Chesnut ridge, to Jacob's creek at the foot of said ridge; six hundred and fifty dollars thereof for the Pennsylvania road from the top of Laurel-hill to the foot of Chesnut ridge, on the west side thereof.

Adams county.

SECT. XXVII. *And be it further enacted by the authority aforesaid,* That the sum of six hundred dollars be, and the same is hereby appropriated, to be paid to the commissioners of Adams county, for improving the roads on the south mountain in said county.

Greene county.

SECT. XXVIII. *And be it further enacted by the authority aforesaid,* That the sum of three hundred dollars be, and the same is hereby appropriated, to be paid to the commissioners of Greene county, to be by them expended in opening and improving a road from Waynsburgh (in said county) to Richard Sargeant's, at or near the confluence of the Hunters' fork of Wheeling creek.

Proposals for making the different improvements to be published.

SECT. XXIX. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the county commissioners and trustees, and the commissioners appointed by this act, to whom the sums hereby appropriated are to be paid respectively, to advertise that proposals will be received at a certain time and place, to be by them fixed, for making the improvements in this act specified, and shall contract with such person or persons as will in their judgment secure the most advantageous expenditure of the several sums herein appropriated; and they shall furnish to the auditors of their several counties, a detailed statement of the manner in which the said monies shall have been expended; and the county commissioners and trustees, and commissioners appointed by this act, as soon as their accounts shall have been settled and adjusted, shall transmit a certified copy of the detailed statement aforesaid, to the auditor-general, together with the vouchers, which accounts shall be settled by the accountant department in the usual manner.

Accounts to be furnished to the county auditors.

Copy of the accounts to be sent to the auditor-general.

When the appraisers shall be paid.

SECT. XXX. *And be it further enacted by the authority aforesaid,* That at any time after the first day of August next, the state treasurer be, and he is hereby authorized and directed to pay to the county commissioners, and trustees and commissioners appointed by this act, on their producing satisfactory evidence that the several contracts have been made, and the necessary securities for the faithful application of the monies taken, and the work actually commenced, the several sums hereby appropriated out of any monies in the treasury not otherwise appropriated.

\$600 dollars granted to inspectors of the Philadelphia prison.

SECT. XXXI. *And be it further enacted by the authority aforesaid,* That the sum of five thousand dollars be, and hereby is appropriated, to be paid on warrants drawn by the auditor-general, on the state treasurer, to the inspectors of the prison of the city and county of Philadelphia, for the completion of the new prison; and the said inspectors shall submit a statement of their accounts to the accountant department when called upon for that purpose by the auditor-general, to be settled in the usual manner: *Provided,* That the sum hereby appropriated shall not be drawn before the first day of October next.

Statement of the accounts to be made to the auditor-general.

A C T S

OF THE

General Assembly of Pennsylvania.

Passed at a session which commenced the 3d day of December, 1811, and ended the 31st day of March, 1812.

SIMON SNYDER, GOVERNOR.

PRESLY CARR LANE, SPEAKER OF THE SENATE.

JOHN TOD, SPEAKER OF THE HOUSE OF REPRESENTATIVES.

1812.

CHAPTER MMMCCCVI.

An ACT to relinquish the title of this commonwealth to a house and lot in Corporation-street, in the town of Newville, in Cumberland county, lately held by William Ferguson; and to vest the same in his widow Elizabeth Ferguson.

SECT. 1. [THE title of the commonwealth to a certain house and lot in Newville, liable to escheat, released to Elizabeth Ferguson. Proviso, not to affect or impair other titles.]

Passed 11th January, 1812.—Recorded in Law Book No. XII. page 513.

CHAPTER MMMCCCVII.

An ACT to authorize and empower John Smith, Matthew M'Call, and James Pedan, of the county of York, to sell and convey a certain real estate therein mentioned.

SECT. 1. [THE guardians of the minor children of Robert M'Call and Elizabeth Pedan authorized to sell certain real estate, to the company for erecting a bridge over Susquehanna, at M'Call's ferry. Proceeds of, to be vested in a productive fund for the use of the minors. 2. Guardians to give security, &c.]

Passed 11th January, 1812.—Recorded in Law Book No. XII. page 514.

1812.

(Ante. pa
278.)

CHAPTER MMMCCCVIII.

An ACT making an appropriation for laying out and opening a road in Huntingdon county.

SECT. 1. [EIGHT hundred dollars to be paid to the commissioners of Huntingdon county, for opening a road, &c. under the regulations and restrictions of the twenty-ninth and thirtieth sections of the act of the second of April, one thousand eight hundred and eleven.]

Passed 11th January, 1812.—Recorded in Law Book No. XII. page 515.

CHAPTER MMMCCCIX.

An ACT to enable the governor to incorporate a company for making an artificial road from the Philadelphia and Lancaster turnpike, commencing at or near the twenty-six mile stone; thence through the borough of West Chester, and passing by or near Darlington's inn and Dilworth's town to the line of the state, in a direction towards the borough of Wilmington.

SECT. 1. [COMMISSIONERS appointed. Books to be procured for the purpose of taking subscriptions, &c. Notice of the opening of the books to be given. Two of the commissioners to attend. Who may subscribe. How long the books to be kept open, and of adjournments. Notice to be given; and when one thousand two hundred shares are subscribed, the books to be closed. Five dollars to be paid on each share on subscribing, and appropriation thereof. 2. When the subscribers may be incorporated. Subscriptions to be certified to the governor, who shall issue his letters patent, incorporating the company by the name of "The President, Managers, and Company of the Great Valley and Wilmington turnpike road," with the usual corporate powers and privileges. 3. Notice to be given of organizing the company, and choosing officers, and the powers of the president and managers prescribed. No person to have more than five votes, &c. 4. Meetings of the company to be on the second Monday in November, annually; and at such other times as shall be prescribed by the by-laws, and their powers prescribed. 5. Certificates of stock to be issued, and price of shares. Stock to be transferable. Transfers to be registered, and privileges of assignees. 6. Seven members to be a quorum, and their powers declared. 7. Penalty on neglecting to pay instalments. 8. Lands, &c. may be entered upon, to mark the route of the road and search for materials. Points of the road fixed. 9. Lands may be entered on and materials taken. Notice to be given, and compensation to be made, and how to be fixed. Proviso, as to the appointment of viewers to ascertain damages. 10. Width of the road prescribed, and how to be made. Elevation of, to be four and an half degrees in an horizontal line, and bridges to be erected. 11. When five miles are completed, viewers to be appointed, and gates to be erected for the collection of tolls: *Provided*, That no toll be demanded or taken

from any person passing or repassing from one part of his or her farm, and to lands they occupy; provided the distance be not more than one mile, or to and from any place of public worship, or funeral, or from any officer or private belonging to the militia, going to or returning from any company, battalion or regimental training, on days appointed for that purpose. 12. Toll-gatherers to be appointed, and their powers prescribed, and rates of toll fixed: and if any person or persons shall represent to the said company, or any of their officers, that he, she or they have travelled a less distance than he, she or they have actually travelled along the said road, with intent to defraud the said company of their toll, or any part thereof, such person or persons shall, for every such offence, forfeit and pay to the use of the said company, any sum not exceeding eight dollars; and if any toll-gatherer shall demand and receive greater or other toll from any person or persons than such toll-gatherer is authorized to demand and receive by virtue of this act, such toll-gatherer shall forfeit and pay the sum of twenty dollars for every such offence, to the supervisors of the highways of the township in which the forfeiture is incurred, for the repair of the roads of the said township; and for the payment of which the said company shall be responsible.]

SECT. XIII. *And be it further enacted by the authority aforesaid,* That if the said company shall neglect to keep the said road in good and perfect order and repair for the space of five days, and information shall be given thereof to any justice of the peace of the neighbourhood within the county where the repair ought to be made, such justice shall issue a precept to be directed to any constable, commanding him to summon three disinterested persons to meet at a certain time in the precept to be mentioned, at the place in such road as shall have been complained of, of which meetings notice shall be given to the keeper of the gate or turnpike nearest thereto within the said county, and the said justice shall at such time and place, on the oaths or affirmations of said persons, inquire whether the said road or any part thereof is in such good and perfect order and repair as aforesaid, and if upon such inquiry the said road shall be found to be out of order and repair, contrary to the true intent and meaning of this act, the said justice shall cause an inquisition thereof to be made, under his hand and at least two of the said persons, one copy whereof he shall certify and send to each of the keepers of the turnpikes or gates between which such defective place shall be; and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put in good and perfect order and repair as aforesaid; and if the same shall not be put into good and perfect order and repair, before the next Court of Quarter Sessions of the Peace to be held for the county in which the defect is proved to be, the said justice shall certify and send a copy of the inquisition aforesaid to the justices of the said court, who shall thereupon cause process to issue to bring in the body or bodies of the person or persons intrusted by the said company with the care and superintendence of such part of the said road as shall be so found defective, and shall proceed thereon as in the case of supervisors of the highways for neglect of

Proceedings
to be had
when the
road is out
of repair.

1812.

Penalty.

How recovered.

Penalty for
evading the
payment of
toll.How to be
recovered.Direction
boards to be
erected.And mile
stones.A list of tolls
to be affixed,
&c.

their duty, and if he or they shall be convicted of the offence charged in the said inquisition, the said court shall give such judgment according to the nature and aggravation of the neglect, as they in their discretion shall judge proper: *Provided*, The fine in no instance shall be less than twenty dollars, nor exceeding one hundred dollars; and the fines so imposed shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said county, and shall be paid to the supervisors of the highways of the township wherein the offence was committed, to be applied to repairing the highways and public roads therein.

SECT. XIV. *And be it further enacted by the authority aforesaid*, That if any person or persons whosoever, owning, riding in, or driving any sulkey, chair, chaise, phaeton, cart, waggon, sleigh, sled or other carriage of burden or pleasure, riding or leading any horse, mare or gelding, or driving any sheep, hogs or other cattle, shall therewith pass through any private gates or bars, or along or over any private passage-way or other ground near to or adjoining any turnpike or gate erected, or which shall be erected in pursuance of this act, with an intent to defraud the said company and avoid the payment of the toll or duty for passing through any such gate or turnpike; or if any person or persons shall with such intent take off, or cause to be taken off, any horse, mare or gelding, or other cattle, from any sulkey, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled or other carriage of burden or pleasure, or practise any other fraudulent means or device with the intent that the payment of any such toll or duty shall be evaded or lessened, all and every such person or persons in all and every or any of the ways or manners aforesaid offending, shall for every such offence respectively, forfeit and pay to the president, managers and company of the said turnpike road, any sum not exceeding ten dollars, to be sued for and recovered with costs of suit, before any justice of the peace in like manner, and subject to the same rules and regulations as debts of a similar amount may be sued for and recovered.

SECT. 15. [Account of receipts to be kept; and of expenditures; and to be annually submitted to the stockholders. When the number of shares may be increased. 16. Account of tolls to be kept, and dividends to be declared and paid. 17. Accounts of the company to be laid before the legislature. And when the tolls may be increased, and reduced.]

SECT. XVIII. *And be it further enacted by the authority aforesaid*, That the said president and managers shall cause posts to be erected and continued at the intersection of every public road falling into or leading out of the said turnpike road, with a board and index-hand pointing to the direction of such road, on both sides thereof shall be inscribed in legible characters, the name of the town, village or place to which such road leads, and the distances thereof in measured or computed miles.

SECT. XIX. *And be it further enacted by the authority aforesaid*, That the said company shall cause mile stones to be placed on the side of the said road, and also cause to be affixed at each gate, a printed list of the rates of toll which may lawfully be demanded, for the information of travellers and others using the said road; and if any

person or persons shall wilfully destroy the said posts, boards, index-hands or mile-stones as aforesaid, or shall without permission of the acting superintendant of the said road, throw out upon the said road, or within the limits thereof, and shall suffer to remain for the space of one day, any mould, dirt, shavings, weeds or rubbish of any kind, such person or persons, being convicted thereof by the evidence of one or more creditable disinterested witness or witnesses, before any justice of the peace of that county in which the offence shall have been committed, he, she, or they shall be adjudged by the said justice to pay a fine not exceeding five dollars, to be recovered with costs, as debts of equal amount are or may be by law recoverable; which fine when recovered shall be paid by the said justice to the treasurer of the said company for the use of the said company.

1812.

Penalty on
injuring or
destroying.How recover-
able.Drivers of
carriages to
keep to the
right side.Penalty for
neglect.

SECT. XX. *And be it further enacted by the authority aforesaid,* That all waggoners and drivers of carriages of all kinds, whether of burden or pleasure, using the said road, shall, except when passing by a carriage of slower draught, keep their horses and carriages on the right hand side of the said road in the passing direction, leaving the other side of the road free and clear for other carriages to pass; and if any driver shall offend against this provision, he shall forfeit and pay any sum not exceeding two dollars, to any person who shall be so obstructed in his passage and will sue for the same, to be recovered with costs before any justice in the same manner as debts of equal amount are by law recoverable.

SECT. 21. [When the road shall be carried on, and completed, and penalty on failure.]

Passed 17th January, 1812.—Recorded in Law Book No. XII. page 516

CHAPTER MMMCCCCX.

An ACT confirming the title of John Gamble, late an alien, to a certain piece of land in the county of Luzerne.

Passed 17th January, 1812.—Recorded in Law Book No. XII. page 530

CHAPTER MMMCCCCXI.

A SUPPLEMENT to an act, entitled “An act to authorize the governor to incorporate a company for erecting a permanent bridge over the river Susquehanna, at or near Harrisburgh in the county of Dauphin.”

[Ante, p.
57, post.]

SECT. 1. [WHEN thirty persons shall have subscribed two thousand shares the commissioners shall certify their names; and the subscribers to be incorporated, and powers of the corporation prescribed. Part of the second section of the former law repealed.]

Passed 17th January, 1812.—Recorded in Law Book No. XII. page 531.

1812.

CHAPTER MMMCCCCXII.

An ACT to change the name of Voltaire Goldsmith Jones to Thomas Watkin Jones.

Passed 17th January, 1812.—Recorded in Law Book No. XII. page 532.

CHAPTER MMMCCCCXIII.

An ACT for the relief of Richard Johnston, an old ranger of the revolutionary war.

SECT. 1. [ANNUITY of forty dollars, payable half yearly, granted to Richard Johnston.]

Passed 17th January, 1812.—Recorded in Law Book No. XII. page 532.

CHAPTER MMMCCCCXV.

A further SUPPLEMENT to the act, entitled "An act for erecting part of the counties of Berks and Northampton into a separate county."

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the judges of the district elections within the counties of Berks and Schuylkill, after having formed the returns of the whole election for senators and representatives as the case may be, within each county, in such manner as is, or may be directed by law, shall, on the third Tuesday in October, in each year, send the same by one or more of their number, to the house now occupied by Abraham Bailey, in Hamburg, in the county of Berks aforesaid; when and where the judges so met shall cast up the several county returns, and execute under their respective hands and seals, as many true returns for the whole district as may be requisite, and also transmit the same as is by law required of the return judges in other districts.*

SECT. II. *And be it further enacted by the authority aforesaid, That in all cases where it would be lawful for the sheriff, gaoler, or prison keeper, of the county of Schuylkill, to hold in close custody the body of any person in the common gaol of the county of Schuylkill, if such gaol were at this time erected in and for the said county of Schuylkill, that all such persons shall be delivered to and kept in close custody by the sheriff, gaoler or prison keeper, of the county of Berks, who, upon the delivery of such prisoners to him or them, at the common gaol of the said county of Berks, shall safely keep him, her or them, until they shall be discharged by due course of law, and shall also be answerable in like manner, and liable to the same pains and penalties, as if the persons so delivered were liable to confinement in the common gaol of Berks county; and the par-*

[Ante. pa.
ol.]

Where the
district judges
of elections in
Berks and
Schuylkill
counties,
shall meet,
&c.

Persons liable
to imprisonment
in Schuylkill
county, to be
confined in
the prison of
Berks.

ties aggrieved shall be entitled to the same remedies against them, or any of them, as if such prisoner had been committed to his or their custody by virtue of legal process, issued by proper authority in the said county of Berks: *Provided always*, That the sheriff of Schuylkill county be allowed out of the county stock of Schuylkill county, ten cents per mile as a full compensation for every criminal he may deliver to the gaol of Berks county, by virtue of this act, on orders to be drawn by the commissioners of Schuylkill county, on the treasury thereof. 1812.

Mileage allowed to the Sheriff of Schuylkill county.

SECT. III. *And be it further enacted by the authority aforesaid*, That the sheriff, gaoler or prison keeper, of the county of Berks, shall receive all such prisoners as aforesaid, and shall provide for them according to law, and shall be entitled to the fees for keeping them, and also to such allowance as is by law directed for the maintenance of prisoners in similar cases, which allowance shall be defrayed and paid by the commissioners of the county of Schuylkill, out of the county stock. Sheriff of Berks to receive such prisoners, &c.
Expenses of how defrayed.

SECT. IV. *And be it further enacted by the authority aforesaid*, That the second and third sections of this act shall be and continue in force for the term of two years and no longer. Limitation of part of this act.

Passed 17th January, 1812.—Recorded in Law Book No. XII. page 534.

CHAPTER MMMCCCCXVI.

An ACT authorizing the citizens of the provisional county of Clearfield to elect county commissioners, and for other purposes. (Vol. 4, p. 170.)

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That the citizens of the county of Clearfield, who are or shall be qualified to elect members of the legislature agreeably to the constitution and laws of this commonwealth, shall, at the ensuing general election, to be held on the second Tuesday of October next, at their respective election districts in said county, elect three county commissioners, who, when duly elected and qualified to enter on the duties of their offices, shall have and enjoy all and singular such authorities and privileges with respect to their county, and shall receive such compensation as commissioners elected in and for any other county, have by law, and the duration of the office of said commissioners respectively shall be determined in like manner, and their places supplied as is directed by law, on the erection of a new county; and on the election of the said commissioners the powers of the commissioners of Centre county shall cease and determine in the said county of Clearfield, except as to selecting of jurors; and the qualified electors shall, at their respective election districts, on the second Tuesday of October, in the year eighteen hundred and thirteen, and every succeeding year, elect three respectable citizens to be auditors for adjusting the accounts of the preceding year, agreeably to an act of the general assembly of this Electors of Clearfield county authorized to choose commissioners.
Powers of the commissioners of Centre county to cease, except as it regards selecting of jurors.
Electors authorized to choose auditors.

1812.

Proviso.

commonwealth, passed the sixteenth day of March, one thousand eight hundred and nine: *Provided always*, That all and singular the costs and expenses in laying out and opening roads, all costs chargeable to the county of Clearfield arising from criminal prosecutions instituted against persons within said county, and all other costs and expenses incidental to said county, and which of right should be paid by the same, on account of the jurisdiction of the several courts of Centre county and the authority of the judges thereof extending over the said county of Clearfield, shall be paid by the treasurer of the county of Clearfield, on orders drawn by the commissioners of the county of Centre, and countersigned by the commissioners of the county of Clearfield.

Commissioners to be chosen under this act, to call on the commissioners of Centre for the liquidation of their accounts. Balance, if any, to be received for the use of Clearfield county.

Repeal of former acts.

SECT. II. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the commissioners aforesaid, or their successors, to call on the commissioners of the county of Centre, for the purpose of examining, liquidating and receiving such balances as shall be found due to the said county of Clearfield, and received to the use of the same, and if, on examination, it be found that a balance is due from the county of Clearfield to the county of Centre, then it shall be the duty of the commissioners of Centre county to call on the commissioners of Clearfield county, and recover said balance.

SECT. III. *And be it further enacted by the authority aforesaid*, That so much of any act or acts of the general assembly as is altered or supplied by this act, be, and the same is hereby repealed.

Passed 28th January, 1812.—Recorded in Law Book No. XII. page 536.

CHAPTER MMMCCCCXVII.

An ACT to validate and confirm the proceedings of Andrew Miller, late a justice of the peace in Venango county.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That all acknowledgments of deeds, and other writings, had and taken before Andrew Miller, in the county of Venango, a justice of the peace, in and for the county of Crawford, and all other the legal, official, and judicial proceedings of the said Miller, in the said county of Venango, be, and the same are hereby confirmed, and made as valid as if the said Andrew Miller had been a justice of the peace, commissioned in and for the county of Venango.

Passed 28th January, 1812.—Recorded in Law Book No. XII. page 537.

CHAPTER MMMCCCCXVIII.

A SUPPLEMENT to the act, entitled "An act to incorporate the subscribers to "The American fire insurance company."

SECT. 1. [THE act incorporating "The American fire insurance company," made perpetual; and former powers continued.

[Ante. p. 90.]

Proceedings of a justice of the peace in Venango county, validated.

Subject to all former restrictions, &c. except limitation of time. 1812.
 Power reserved to the legislature by the former act not to be abridged or affected. President, &c. not to divide as part of the profits any premiums for the perpetual insurance of property: But to be appropriated to pay losses, and repair capital stock. Repeal of part of the former act.]

Passed 28th January, 1812.—Recorded in Law Book No. XII. page 538:

CHAPTER MMMCCCCXIX.

An ACT supplementary to an act, entitled “ An act establishing an academy in the town of Meadville, in Crawford county, and granting a sum of money thereto.” [Vol. 3, pa.
 510, vol. 4,
 pt 265, 387,
 534.]

SECT. 1. [PROPERTY formerly vested in the trustees of Meadville academy, to be transferred to, and vested in the trustees, and their successors, constituted by the act to which this is a supplement. Power of former trustees revoked. 2. Auditors of Crawford county to settle the accounts of the trustees whose office is determined. 3. Suits brought by former trustees not to abate. Present trustees to demand and receive from former ones, all money due from them to the institution, for its use.]

Passed 28th January, 1812.—Recorded in Law Book No. XII. page 539.

CHAPTER MMMCCCCXXI.

An ACT to enable George Gantz, Henry Kunkle, and others, elders, church wardens, and trustees of religious societies, called the Lutheran congregations in the townships of Codorus, Shrewsbury, and Hopewell, in the county of York, to sell and convey certain lands.

SECT. 1. [GEORGE GANTZ, et al. authorized to sell certain pieces of land, belonging to certain Lutheran congregations in York county. 2. Manner in which the money arising from the sales is to be appropriated, prescribed.]

Passed 28th January, 1812.—Recorded in Law Book No. XII. page 541.

CHAPTER MMMCCCCXXIII.

An ACT granting to John Woods certain lots therein mentioned.

SECT. 1. [PREEMPTION right to certain lots of land granted to John Woods. Mode of appraising the lots. Amount of valuation to be paid in three instalments. Patent to issue free of expense. Proviso, not to divest any other legal right.]

Passed 28th January, 1812.—Recorded in Law Book No. XII. page 543.

1812.

CHAPTER MMMCCCCXXIV.

An ACT granting a tract of donation land, to the heirs of James Gordon, late of Westmoreland county.

SECT. 1. [TRACT of donation land to be granted to the heirs of James Gordon, upon their releasing a former one, lying in the state of New-York.]

Passed 28th January, 1812.—Recorded in Law Book No. XII. page 544.

CHAPTER MMMCCCCXXVII.

[Inle. pa.
41, 227.]

A further SUPPLEMENT to the act, entitled “ An act to authorize the governor of this commonwealth to incorporate a company for the purpose of making and erecting a bridge and road over the north east branch of the river Susquehanna, in the county of Northumberland, from the public highway, opposite the plantation of Thomas Grant, to Shamokin island, through the public highway of Shamokin island, to the shore opposite Northumberland, and from thence to the town of Northumberland.”

SECT. 1. [WHEN the appropriation towards the bridge shall be paid, in certain instalments, as the work shall proceed, and certificates of stock to be delivered for the use of the state. 2. Three members shall form a quorum, instead of five, as fixed in the original act. 3. Empty carriages to pass for half toll, and those carrying more than two tons to pay in proportion. 4. Waggoners, &c. to keep to the right. Penalty for offending; and how recoverable. Suits to be brought within thirty days. 5. Repealing section.]

Passed 3d February, 1812.—Recorded in Law Book No. XII. page 547.

CHAPTER MMMCCCCXXVIII.

An ACT to authorize the governor to incorporate a company for erecting a bridge over the river Susquehanna, at the Great Bend, where the ferry is now kept, opposite the houses of Abraham Dubois and Sylvanus Hatch, in the district of Willingborough, and county district of Susquehanna.

SECT. 1. [COMMISSIONERS appointed, and books to be procured for taking subscriptions. Notice to be given of the opening of the books. One of the commissioners to attend, and who may subscribe, and for what number of shares. Commissioners may adjourn, and when the books shall be closed. Shares may be apportioned. Books may be transferred. Five dollars to be paid on subscribing, and how appropriated. 2. When subscriptions shall be certified to the governor, who shall thereupon incorporate the subscribers, by the name of “ The President, Managers and Company, for erecting a bridge over the river Susquehanna, at the Great Bend, in the district of Willingborough, and county district

Susquehanna," with the usual corporate privileges, &c. 3. Notice to be given of organizing the company. Officers to be chosen, viz. one president, six managers, one treasurer, &c. and by-laws, &c. to be made, not inconsistent with the constitution, &c. and generally to have all the powers, authorities and privileges, necessary for erecting, completing, maintaining, and keeping in repair the said bridge; and be entitled to receive and collect the same rates of tolls, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, which are given and granted, or imposed upon the president, managers and company, incorporated to erect a bridge over the river Delaware, at the borough of Easton, in the county of Northampton, in virtue of an act of assembly, passed on the thirteenth day of March, anno Domini, one thousand seven hundred and ninety-five: *Provided*, That no toll shall be demanded, or taken from any person or persons attending funerals, or going to or returning from church, or meeting, on Sunday; from persons belonging to the militia in going to and returning from muster on days of training; or from children passing to and from school.]

Passed 3d February, 1812.—Recorded in Law Book No. XII. page 550.

CHAPTER MMMCCCCXXIX.

An ACT dissolving the marriage of Eleanor Houltz, and Abraham Houltz.

SECT. 1. [THE marriage of Eleanor Houltz and her husband, annulled. But not to affect the legitimacy of the children.]

Passed 3d February, 1812.*

CHAPTER MMMCCCCXXX.

An ACT for the relief of the widow of Joseph Bruton, deceased, a soldier, who received a wound in the revolutionary war.

SECT. 1. [FORTY dollars to be paid to Bridget Bruton; and an annuity of twenty dollars, to be paid to Joseph Clunn, as trustee. How to be appropriated. Accounts of, to be submitted to the Orphans' Court, &c.]

Passed 3d February, 1812.

CHAPTER MMMCCCCXXXI.

An ACT to regulate voting by proxy, in the several incorporated banks within this commonwealth.

SECT. 1. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly

* From this period, the laws of this session are not yet recorded,—23d March, 1812.

1812. *met, and it is hereby enacted by the authority of the same, That*
 from and after the passing of this act, all power to vote by proxy
 for any bank directors, shall be obtained, and dated within one
 year previous to the time of holding the election, at which such
 proxy shall be presented; and no transfer, or extension thereof, to
 a third person shall be admitted; any law or usage to the contrary
 notwithstanding.

Proxies shall
 not vote af-
 ter one year
 from the date
 of their au-
 thorities,
 &c.

Passed 3d February, 1812.

CHAPTER MMMCCCCXXXII.

*An ACT granting an annuity to John M'Guire, a disabled revolu-
 tionary soldier.*

SECT. 1. [FORTY dollars to be paid to John M'Guire; and
 an annuity of like amount to be paid to William Mitchel, as his trustee.
 How to be expended. Accounts to be rendered to the Or-
 phans' Court, &c.]

Passed 3d February, 1812.

CHAPTER MMMCCCCXXXIII.

Ante, pa.
 27.)

*A SUPPLEMENT to the act, entitled "An act establishing the
 seat of government of the commonwealth of Pennsylvania, at
 Harrisburgh, in the county of Dauphin."*

SECT. 1. [OFFICES to be removed in April, one thousand
 eight hundred and twelve. The principal of each, to superintend
 the removal, and costs of removal, how paid. 2. The clerks of
 each house shall remove, &c. on or before the first of June, next.
 Costs of removal, how paid. Powers of the commissioners an-
 nulled in this respect. Monies drawn by them to be repaid. 3.
 Superfluous furniture to be sold, and proceeds of, paid into the
 treasury.]

Money to be
 deposited in
 the branch
 bank at Har-
 risburgh.

Proviso.

Repealing
 section.

SECT. IV. *And be it further enacted by the authority aforesaid,*
 That the state-treasurer be, and he is hereby authorized, after the
 removal aforesaid, to deposit, in the name of this commonwealth,
 such part of the public money as may and shall be paid into the
 treasury office, and deemed unsafe to be there kept, in the office of
 discount and deposit of the Philadelphia bank, at Harrisburgh, for
 the purpose of meeting and paying the demands and money due by
 the state, and payable by the said treasurer: *Provided*, the sum so
 deposited in the branch bank aforesaid, shall not at any one time
 exceed the sum of twenty-five thousand dollars.

SECT. V. *And be it further enacted by the authority aforesaid,*
 That so much of any law, as is hereby altered and supplied, be,
 and the same is hereby repealed.

Passed 7th February, 1812.

CHAPTER MMMCCCCXXXIV.

1812.

A SUPPLEMENT to an act, entitled "An act to enable the governor of this commonwealth to incorporate a company for making an artificial road, by the best and nearest route, from Berwick, on the northeast branch of the Susquehanna; or from the mouth of the lower Wopetawley, to that point on the north line of this state, which is nearest to Newton, on the river Tioga, in the state of New-York."

(Vol. 4, pa. 340.)

SECT. 1. [ROUTE of the road may be varied. Provided it commence on the Susquehanna, &c. and terminate in a direction towards the Cayuga lake, &c. When former subscriptions may be withdrawn, &c. This act not to defeat a former appropriation, agreeably to the provisions of an act, entitled "An act for the improvement of the state;" passed March the twenty-first, one thousand eight hundred and eight.]

Passed 7th February, 1812.

CHAPTER MMMCCCCXXXV.

An ACT more particularly directing the issuing of patents.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, 'That in all cases where warrants have issued under the laws, requiring settlements within the purchase of one thousand seven hundred and sixty-eight, and previous purchases, and whereon surveys have been, or hereafter shall be made and filed in the surveyor-general's office, it shall be the duty of the land-officers, to issue patents therefor, without further evidence of settlement and improvement, than that upon which the warrant was granted, except other claims are set up for the same land, in which cases, the board of property shall be competent to decide on, in the usual manner.*

Patents to be issued on the evidence on which the warrants were granted, &c.

Passed 7th February, 1812.

CHAPTER MMMCCCCXXXVI.

An ACT granting an annuity to Jacob Plumb, a wounded militia man.

SECT. 1. [FORTY dollars to be paid to Jacob Plumb, and an annuity of like amount, to be paid to Adam Lepley as trustee. Who shall account to the Orphans' Court of Somerset county.]

Passed 7th February, 1812.

CHAPTER MMMCCCCXXXIX.

An ACT to incorporate Loller academy, in the village of Hatborough, in the county of Montgomery.

SECT. 1. [AN academy established in the county of Montgomery, in the village of Hathorough, by the title of "Loller Aca-

1812. demy." 2. Trustees named, and incorporated by the style of "The Trustees of Loller Academy," with the usual corporate powers and privileges, and the estate granted to *Nathaniel B. Boileau*, by the will of *Robert Loller*, deceased, vested in the said trustees, and their successors, &c. 3. Of the seal, &c. 4. When the first meeting to be held. A majority to be a quorum; and the powers of, prescribed. Proviso, that the by-laws shall not be contrary to the constitution, &c. 5. Trustees may purchase lands, &c. 6. The annual meetings to be held on the first Monday in May, when nine trustees shall be elected. Tenure of their office, and notice of elections, and who may be trustees. Religious persuasion no bar, &c. 7. How vacancies in the board are to be supplied. 8. Of salaries, and repairs. Books, maps, charts, &c. when and how to be purchased. Treasurer's books to be open for inspection. 9. Accounts of *Nathaniel B. Boileau*, to be settled.]

Passed 7th February, 1812.

CHAPTER MMMCCCCXL.

(Vol. 3, pa.
512.)

A further SUPPLEMENT to the act, entitled "An act for laying out, and keeping in repair, the public roads and highways within this commonwealth, and laying out private roads."

SECT. 1. [PROVISIONS of the act of March thirtieth, one thousand eight hundred and eleven, not to extend to the commissioners, treasurers, and supervisors of Erie, Crawford, Mercer, Butler, Venango, and Warren counties, so as to affect their proceedings for the year one thousand eight hundred and eleven.]

Passed 22d February, 1812.

CHAPTER MMMCCCCXLI.

(Ante. pa.
157.)

An ACT supplementary to an act, entitled "An act to incorporate the Western Missionary society."

SECT. 1. [FUNDS of the Western Missionary society may be appropriated to the distribution of bibles, &c. gratis, and the sending out of missionaries, to instruct the Indians, &c. Part of a former act repealed.]

Passed 22d February, 1812.

CHAPTER MMMCCCCXLII.

An ACT to enable William Scott, and John Galloway, administrators, with the will annexed, to the estate of Archibald Scott, deceased, to sell and convey a certain tract of land therein mentioned.

SECT. 1. [WILLIAM SCOTT and Archibald Galloway, administrators of the estate of Archibald Scott, authorized to sell a

tract of land; and appropriate the proceeds thereof, agreeably to the last will of Archibald Scott. Administrators to give bond to the Orphans' Court, for the faithful discharge of their trust.] 1812.

Passed 22d February, 1812.

CHAPTER MMMCCCCXLIII.

An ACT authorizing the commissioners of Berks county, to build a stone bridge over the river Schuylkill, near the town of Reading, in the said county.

SECT. 1. [COMMISSIONERS of Berks county authorized to contract for building a bridge over Schuylkill. 2. Bridge when built to be inspected, and commissioners to be liable, if not approved of, &c. 3. Commissioners authorized to take toll for passing the bridge, and rates of toll prescribed: *Provided*, That any person or persons going to, and returning from public worship, on sabbath days, or going to, and returning from funerals, or going to, and returning from training in the militia, and all persons going to, and returning from general elections, shall be exempted from paying toll: *And provided also*, That nothing in this act contained, shall be so construed to prevent the said commissioners from contracting with any person or persons, desirous of using the said bridge, for an annual sum in lieu of the toll herein before mentioned. 4. Gates to be erected and toll-gatherers to be appointed. Proviso, that the fording, &c. shall not be obstructed. 5. Penalty for demanding illegal tolls; and manner of appropriating fines that may be recovered. Mode of prosecuting complaints by summary convictions before a justice, &c. *Provided*, That any person so convicted who shall find himself aggrieved thereby, may, within ten days after such conviction, appeal to the next Court of Quarter Sessions of the county; which appeal shall be allowed on the appellants entering into recognizance before the said justice, with one or more sureties, in a penalty not less than double the sum sued for, to pay all costs, and if the conviction, so made by the said justice, shall be confirmed, the said justice shall proceed to levy the said forfeiture in the manner herein before directed: *Provided also*, That no suit or action shall be brought, after twenty days from the time when the offence was committed. 6. Toll-gatherers to be allowed for services. 7. Commissioners to exhibit their accounts of expenditures for erecting the bridge, before the Court of Quarter Sessions. When the tolls received amount to the sum expended in erecting the bridge it shall thereafter be free. Notice of which to be given by the court, and a fine imposed if afterwards toll be demanded. Fines how appropriated, but an appeal may be had as in the fifth section. 8. Commissioners to exhibit a detailed statement of their accounts annually to the county auditors.]

Passed 22d February, 1812.

CHAPTER MMMCCCCXLIV

1812.

An ACT to enable the governor of this commonwealth to incorporate a company for making an artificial road, by the best and nearest route, from Waterford, in the county of Erie, through Meadville and Franklin, to the river Susquehanna, at or near the mouth of Anderson's creek, in Clearfield county; and also to incorporate a company for making an artificial road from the town of Northumberland, in the county of Northumberland, by the best and nearest route, to the west branch of the Susquehanna river, at or near the mouth of Anderson's creek; passing through Derrstown, Youngmanstown, Aaronsburgh, Belle-fonte, and Milesburgh.

SECT. 1. [COMMISSIONERS to open books of subscription on or before the first Monday in August next. Notice to be given of the time of opening the books, and places where. Who may subscribe; and time of keeping the books open prescribed. Number of shares to be subscribed at different places, fixed. Commissioners may adjourn and transfer their books, and when books shall be closed. Proviso, for paying three dollars in each share at the time of subscribing. 2. Two thousand shares, or more being subscribed, the same to be certified to the governor, and letters patent to issue, to incorporate the company, by the style of "The President, Managers and Company, of the Susquehanna and Waterford turnpike road," with the usual corporate powers and privileges. 3. Governor to subscribe one hundred and twenty-five thousand dollars in the stock, and in what part of the road the money is to be expended. President and managers to certify to the state-treasurer the length of road completed from time to time, who shall pay in certain proportions; how the money is to be applied: *Provided*, That the said sum subscribed by the governor, on behalf of the commonwealth, shall be considered and taken in part of the appropriation made by the fourth section of an act, entitled "An act to encourage the constructing of certain great and leading roads within this commonwealth, and the erection of bridges over the Susquehanna, at Harrisburgh, Northumberland, Columbia and McCall's ferry," passed second April, one thousand eight hundred and eleven. 4. Commissioners to give notice to the stockholders to meet for the purpose of organizing the corporation. Stockholders may vote by proxy, under certain restrictions. What officers are to be chosen. Power to make by-laws. Proviso, that no person shall have more than five votes, and proviso for future elections. 5. Annual meeting of the company on the first Monday in June; and at other times as prescribed by by-laws. 6. Certificates of stock to be given. Their form. Five dollars to be paid on each share. How stock transferable. Assignments to be entered in a book. 7. Five members to constitute a quorum to do business. Minutes of their proceedings to be kept. Power to appoint superintendants, &c. and fix their wages. Fix the time of paying the proportions of their subscriptions, and how much. Orders to be drawn on the treasurer for paying workmen, &c. 8. Penalty on stockholders, for neglecting to pay their instalments, and

when shares may be forfeited and sold. Suit may be brought for recovering instalments. Stockholder not entitled to vote who is in arrears with the company. 9. Officers of the company authorized to enter enclosures to lay the road. Examine quarries, &c. Fixed points, Waterford, Meadville, and Franklin, to the river Susquehanna, near the mouth of Anderson's creek. 10. Right to enter enclosures, doing the least possible damage, and repairing breaches, &c. and power given to agree for damages, or refer to disinterested men to appraise the same. In case the parties do not agree to referees, justice to appoint. On tender of appraised value, may take materials, &c. 11. Company authorized to erect bridges. Width of the road prescribed, and of what materials to be composed. Road to be kept in repair: *And provided*, That no toll be demanded, or taken from any person, passing or re-passing from one part of his or her farm to another; or to and from any place of public worship; or funerals, or from militia-men, on days of training, going to and returning from the same; or persons going to or returning from general elections. 12. When a section of five miles has been completed, inspected and approved, gates may be erected, and toll demanded. But no toll to be demanded until license granted, under a penalty of fifty dollars. How penalty to be appropriated. No gate to be erected within one mile of Waterford, &c. 13. After license granted, toll-gatherers may be appointed, and rates of toll fixed.]

Penalty on attempts to defraud the company.

SECT. XIV. *And be it further enacted by the authority aforesaid*, That if any person or persons, owning, riding in, or driving, any carriage of burden or pleasure, as aforesaid, or owning, riding, leading, or driving, any horse or mule, or driving any hogs, sheep, or cattle, as aforesaid, shall, with an intent to defraud the said company, or to evade the payment of any of the tolls or duties aforesaid, pass therewith through any private gate or bar, or along or over any private passage way, or along or over any other ground or land, near to or adjoining any turnpike or gate, which shall be erected in pursuance of this act; or if any person or persons shall, with the intent aforesaid, take off, or cause to be taken off, any horse, or other beast or cattle of draught or burden, from any carriage of burden or pleasure; or shall practise any other fraudulent means or device, with the intent to evade or lessen the payment of any such toll or duty, all and every such person or persons, offending in manner aforesaid, shall, for every such offence, respectively forfeit and pay to the president, managers and company of the Susquehanna and Waterford turnpike road, the sum of fifteen dollars, to be sued for and recovered, with costs of suit, before any justice of the peace, in like manner, and subject to the same rules and regulations as debts of equal amount are or may be by law recoverable.

Penalty on the company for neglecting to keep the road in repair.

Mode of proceedings against the

SECT. XV. *And be it further enacted by the authority aforesaid*, That if the said company shall neglect to keep the said road in good repair for the space of twenty days, and information thereof shall be given to any justice of the peace of the proper county, such justice shall issue a precept to be directed to any constable, commanding him to summon three judicious freeholders, to meet at a certain

1812.

company for
neglect.

No toll to be
demanded
until the road
is repaired.

Amount of
fine, and to
whom paid.
If repairs
are not made
before the
next ensuing
court of quar-
ter sessions,
complaint to
be preferred
to the said
court.

Upon convic-
tion before
said court, a
fine may be
imposed by
the said
court.

time, in the said precept to be mentioned, at the place in the said road which is complained of, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto, and the said justice shall at such time and place, by the oaths or affirmations of the said freeholders, inquire whether the said road, or any part thereof, is in such good repair as aforesaid; and shall cause an inquisition to be made, under the hands and seals of himself, and a majority of the said freeholders; and if the said road shall be found by the said inquisition; to be out of repair, contrary to the true intent and meaning of this act, he shall so certify, and send one copy of the said inquisition to each of the keepers of the turnpikes or gates, between which such defective place shall be; and from thenceforth the tolls hereby granted to be collected, at such turnpikes or gates for the intermediate distances between them, shall cease to be demanded, paid, or collected, until the said defective part or parts of the said road shall be put into good and perfect order and repair as aforesaid, and if any of the keepers of the gates aforesaid, shall take, or attempt to exact tolls for the intermediate distance between the gates aforesaid, from any traveller during the time the road shall continue out of repair, such keeper shall forfeit and pay to the person who shall prosecute for the same, the sum of fifteen dollars, to be recovered before any justice of the peace, as debts of equal amount are or may be by law recoverable; but if the same road shall not be put into good repair before the next ensuing Court of Quarter Sessions of the proper county, the said justice shall certify, and send a copy of the said inquisition to the justices of the said court; and the said court shall thereupon cause process to issue, and bring in the bodies of the person or persons entrusted by the company with the care and the superintendence of such part of the said road as shall be found defective as aforesaid, and shall direct a bill of indictment to be sent to the grand inquest, against the person or persons entrusted as aforesaid; and upon conviction, shall give such judgment according to the nature and aggravation of the neglect, as the said court in their discretion shall judge proper: *Provided*, The fine in no instance shall be less than twenty dollars, nor exceeding one hundred dollars; and the fines so to be imposed, shall be recovered in the same manner, as fines for misdemeanors are usually recovered in the said county, and shall be paid to the supervisors of the highways of the place wherein the offence was committed, to be applied to repairing such highways as the township or county is bound to repair, at the public expense thereof.

SECT. 16. [Accounts to be kept of all monies received for subscriptions, fines, and forfeited shares. And to be submitted to a general meeting of the stockholders. Company authorized to enlarge the stock if necessary. 17. Account to be kept of the amount of tolls received. Not more than one gate to be erected within every five miles. Dividend to be made to the stockholders on the first Mondays in December and June. Notice to be given of the time and place of paying dividends. 18. Abstract of the accounts of the company to be triennially laid before the legislature. 19. Index-hand boards to be erected at the crossings and intersections of roads. Rates of toll to be pasted up at every gate.]

1812.

Penalty for
defacing
mile-stones,
&c.

SECT. XX. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully break, deface, pull up or prostrate any mile-stone or mile-post which shall be placed in pursuance of this act on the side of the said road, or shall obliterate the letters or figures inscribed thereon; or shall wilfully break, pull down, deface, destroy, or injure any direction-post which shall be erected in pursuance of this act, at the intersection of any road as aforesaid, or the board or index-hand affixed thereto in conformity with the directions of this act; or shall obliterate the letters or figures inscribed or marked thereon; or destroy, deface, or obliterate the letters, figures or other characters marked at any turnpike or gate which shall be erected in pursuance of this act, for all or any of the purposes therein mentioned; or the whole, or any part of any printed list of the rates of tolls which shall be affixed in pursuance of the directions of this act, at any such gate or turnpike, he or they so offending in the premises, shall for every such offence, severally and respectively forfeit and pay to the said president, managers and company, the sum of twenty dollars, to be sued for and recovered with costs of suit, before any justice of the peace, in manner aforesaid.

Directions to
travellers
passing each
other on the
road.

Penalty on
breach of the
directions.

SECT. XXI. *And be it further enacted by the authority aforesaid,* That all waggoners, carters, and drivers of carriages, of all kinds, whether of burden or pleasure, using the said road, shall, except when overtaking and passing by a carriage of slower draught, keep their horses and carriages on the right hand side of the said road, in the passing direction, leaving the other side of the said road free and clear for other carriages to pass and repass, and if any carter, waggoner or driver, shall offend against this provision, he shall forfeit and pay any sum not exceeding six dollars, to any person who shall, by reason thereof, be obstructed in his passage, and will sue for the same before any justice of the peace, to be recovered with costs, in like manner aforesaid.

Penalty for
demanding
illegal toll.

SECT. XXII. *And be it further enacted by the authority aforesaid,* That if any toll-gatherer on the said road, shall demand from any person or persons, using the said road, any greater rate of toll than by this act is authorized and allowed, such toll-gatherer shall forfeit and pay the sum of twenty dollars, for every such offence, one half to the use of the supervisors of the roads or highways of the township in which the forfeiture shall be incurred, and the other half to the use of the person suing for the same; to be recovered before any justice of the peace of the county where such offence shall have been committed.

Persons not
sustaining
their prose-
cutions
against the
company,
liable for
damages.

SECT. XXIII. *And be it further enacted by the authority aforesaid,* That if in the case of any suit or prosecution which shall be commenced under the directions of this act, for any penalty incurred under the same, whether by or against the said company, their servants or assignees, the said suit or prosecution shall not be sustained by the plaintiff or prosecutor, then and in such case as the person or persons prosecuted as aforesaid, shall recover by the judgment of the justice, before whom such suit or prosecution shall be depending, or by action, before the Court of Common Pleas of the proper county, (if such prosecution had been instituted before the Court

1812. of General Quarter Sessions of the Peace,) such sum, not exceeding the amount of the penalty for which the suit or prosecution shall be commenced, as shall be deemed a reasonable retribution for the vexation of such suit or prosecution.

SECT. 24. [Limitation of time for bringing suits. 25. Company not commencing within three, or completing their work within ten years, their privileges, &c. may be forfeited, &c. 26. Legislature may after a certain time take possession of the road. And under what conditions. 27. Two thousand shares not being subscribed within three years, powers of the company to cease, and money be refunded to subscribers. 28. Bridge to be erected over the Susquehanna at joint expense, &c.]

SECT. 29. [Commissioners named for taking subscriptions for the second company. Books to be opened in May next. Price of shares fifty dollars. Notice to be given of the time and place of opening books. Books to be closed when two thousand shares are subscribed. Three dollars to be paid on each share at the time of subscribing. 30. Letters patent to issue when one thousand shares are subscribed, to incorporate the company by the name of "The President, Managers and Company of the Northumberland and Anderson's creek turnpike road," with the usual corporate powers and privileges. May increase their stock. 31. Notice to be given of the time and place of organizing the company. And what officers to be chosen. Power to make by-laws. And like tolls to be demanded with those of the Susquehanna and Waterford turnpike road, (in this act.) 32. Company authorized to farm out the tolls annually at public auction. 33. Subscribers of Northumberland and Aaronsburgh turnpike road authorized to transfer their shares in the Northumberland and Anderson turnpike road. 34. Governor authorized to subscribe seventy-five thousand dollars to the stock of the company, and in what proportions the subscriptions shall be paid, directed: *Provided*, That not more than twenty-five thousand dollars of the state subscription, shall be expended on the said road between Northumberland and Aaronsburgh. 35. One thousand shares not being subscribed within three years, privileges of the company to determine. Money paid to be refunded to subscribers.]

Passed 22d February, 1812.

CHAPTER MMMCCCCXLV.

An ACT authorizing the commissioners of Indiana county, to sell part of certain lots, in the town of Indiana, and for other purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the commissioners of Indiana county, be, and they are hereby authorized and empowered, having first given four weeks public notice, in one of the newspapers printed in Greensburgh and Pitts-
burgh, respectively, and by written or printed advertisements, put up at six of the most public places in Indiana county, one of which*

Notice to be
given by the
commission-
ers.

1812.

Lots to be sold.

Terms of payment.

Commissioners to execute deeds. Appropriation of the proceeds of sales.

Church lots, &c. to be sold.

And conveyances executed.

Appropriation of the proceeds.

Commissioners to receive a deed for a certain lot, &c.

shall be on the court house door, of the time and place of sale, to proceed to sell for the highest and best price that can be had for the same, one hundred and fifty feet of the lot on Philadelphia street, off the end of the same that adjoins the alley which divides it from lot number one, and one hundred and eighty feet of the lot on Water street, off the end of the same, that adjoins the alley which divides it from lot number one hundred and thirty, having first laid off the ground so to be sold, in such lots as to them may appear most proper, and on payment of the purchase money to the treasurer of said county in the following manner, *viz.* one third of the purchase money at the time of sale, and the residue in two equal annual instalments; and on payment of the last instalment, the said commissioners to execute a deed or deeds, to the purchaser or purchasers; and they shall apply the money arising from such sale or sales, to defraying the expenses of erecting the public buildings in the said county of Indiana.

SECT. II. *And be it further enacted by the authority aforesaid,* That the commissioners aforesaid, be, and they hereby are authorized and empowered, having first given notice as is directed by the first section of this act, of the time and place of sale, to proceed to sell for the highest price that can be had for the same, such part of the two lots, appropriated for the purpose of erecting churches thereon, and laying out a burial ground for the inhabitants of the town of Indiana and its vicinity, as they may deem proper or most to the advantage of the inhabitants aforesaid, having first laid off the ground so to be sold, in such lots as to them may seem proper, and on the payment of the purchase money as aforesaid, to execute a deed or deeds to the purchaser or purchasers, and apply so much of the money arising from such sale or sales, as may be necessary to defray the expense of erecting the public buildings in the said county of Indiana, and the residue, if any, to be applied to other county purposes.

SECT. III. *And be it further enacted by the authority aforesaid,* That the commissioners of Indiana county, be, and they hereby are authorized and empowered to receive a deed of conveyance, of two acres and four perches of ground, granted by Conrad Rice, as appears by a conveyance executed by the said Rice, to the trustees of the county aforesaid, bearing date the eleventh day of October, one thousand eight hundred and six; for the use of the inhabitants of the town of Indiana, to erect a church or churches thereon, and for a burial ground.

Passed 3d March, 1812.

CHAPTER MMMCCCCXLVI.

A further SUPPLEMENT to the act, entitled "An ACT directing the mode of selecting and returning jurors." [Vol. 4, p. 237.]

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That*

1812. the number of general or common jurors, to be drawn, summoned, and returned to serve at any Court of Common Pleas, or Court of Quarter Sessions of the Peace, in and for the counties of Schuylkill, Cambria, and Venango, shall not be less than twenty-four, nor more than thirty, any law to the contrary notwithstanding.

Passed 3d March, 1812.

CHAPTER MMMCCCCXLVIII.

[Ante, pa. 223.] *A SUPPLEMENT to an act, entitled "An act to provide for the erection of an additional court within the city and county of Philadelphia."*

WHEREAS it appears, from the number of causes transferred into the District Court of the city and county of Philadelphia, and the accumulation of business therein, that the said court will have to sit nine months in every year: And whereas, it is just and reasonable that the judges who have to devote so great a part of their time to the duties imposed on them, as to prevent their attending to any other business, should receive a compensation proportionate to their services: And whereas, the salaries of the assistant judges of said courts are inadequate to the duties to be performed by them: Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the assistant judges of the District Court of the city and county of Philadelphia, shall each receive a salary of eight hundred dollars, to commence from the first Monday of May next, as a full compensation for their services, to be paid in the same manner as is directed by the act to which this is a supplement.

SECT. II. *And be it further enacted by the authority aforesaid, That* from and after the passing of this act, the District Court of the city and county of Philadelphia, may direct that one or more panels of general or common jurors, and also one or more panels of special jurors, shall be selected, summoned, and returned, according to the act of twenty-ninth of March, one thousand eight hundred and five; and the act of the fourth of April, one thousand eight hundred and seven, for any one term of said court; and that the process for each and every panel, shall be made returnable at such particular day of the term as the said court shall direct and appoint.

SECT. III. *And be it further enacted by the authority aforesaid, That* every person whose name shall be drawn, and who shall have been legally summoned, but who shall not appear before the court, after being called three times, and due proof made by oath or affirmation, of the sheriff or other credible person, that each person so making default, had been lawfully summoned, shall forfeit and pay for such default in not appearing, any fine not exceeding thirty dollars, that the court may think proper to inflict; and every juror, including those who shall not have appeared as aforesaid, shall forfeit

Number of jurors to be summoned, &c.

Salary of the associate judges of Philadelphia county raised to 800 dollrs.

On summoning and returning jurors, in the city and county.

[Vol. 4. pa. 237, 390.]

Penalty on defaulters.

and pay for every default in not answering, when called during the said term, such fine not exceeding five dollars, as the court may think proper; which fines the court may direct the sheriff to levy and collect in the usual manner, and the said fines when collected, shall be paid and applied, agreeably to the third section of the act of the twenty-ninth of March, one thousand eight hundred and five: *Provided nevertheless*, That the court upon reasonable and satisfactory cause being made appear to them, may remit the whole, or any part of such fines.

1812.

How to be recovered.

And applied.

Proviso.

Passed 3d March, 1812.

CHAPTER MMMCCCCXLIX.

An ACT granting an annuity to Henry Pensinger, an old soldier, who lost a leg in the revolutionary war.

SECT. 1. [GRANT to Henry Pensinger of forty dollars, and an annuity of sixty dollars, payable half yearly during life.]

Passed 3d March, 1812.

CHAPTER MMMCCCL.

An ACT supplementary to an act, entitled "A further supplement to the act offering compensation to the Pennsylvania claimants of certain lands, within the seventeen townships in the county of Luzerne, and for other purposes therein mentioned," passed the fourth day of April, in the year one thousand seven hundred and ninety-nine.

[Vol. 3, p. 526.]

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, 'That all and every Pennsylvania claimant, or claimants of lands, in the fifteen townships of Luzerne county, claiming under the Pennsylvania title, by patent or location, or a warrant, on which a survey has been executed and returned, agreeable to law, prior to the twenty-eighth day of March, seventeen hundred and eighty-seven, and who have not released the same to this commonwealth; and whose lands have been surveyed, valued, and certified to a Connecticut claimant, or claimants, under and by authority of the ninth section of the act of assembly, passed the sixth day of April, one thousand eight hundred and two, and of the act passed the ninth day of April, one thousand eight hundred and seven, shall respectively be at liberty to institute a suit or suits in the Courts of Common Pleas of Luzerne county, against this commonwealth; at which trial the said court and jury shall have power to award a just compensation, without taking into view any improvement made thereon, for the land so taken from such Pennsylvania claimant, under and subject to the same provisos, liberties, privileges, benefits, and*

Certain Pennsylvania claimants authorized to institute suits against the commonwealth.

How to be compensated.

1812. advantages, and to be paid and satisfied in the same manner as is prescribed by the ninth section of the act of the sixth of April, one thousand eight hundred and two.

Suits heretofore brought shall be determined under this act.

Of appeals.

Certain causes exempted from the operation of this act.

Proviso.

SECT. 11. *And be it further enacted by the authority aforesaid,* That all suits heretofore brought by Pennsylvania claimants against this commonwealth, for compensation as aforesaid, shall be considered as having been brought under the authority of this act, and all appeals heretofore entered in such suits from the reports of arbitrators, either on the part of the state, or on the part of the Pennsylvania claimants, shall be tried and determined in the manner before prescribed: *Excepting nevertheless,* on such causes as may have been tried before arbitrators or otherwise, before the passing of this act, whereon the attorney-general of this commonwealth, on behalf of the same, hath or may deem it proper not to make any further defence: *Provided,* That nothing in this act contained, shall be construed to prevent either party from a trial by arbitration, agreeable to the existing laws.

Passed 3d March, 1812.

CHAPTER MMMCCCCLI.

An ACT for the relief of James Wilson, a wounded soldier of the revolution.

SECT. 1. [APPROPRIATION in favour of James Wilson of forty dollars, and an annuity of forty dollars, payable half yearly during life.]

Passed 5d March, 1812.

CHAPTER MMMCCCCLII.

A SUPPLEMENT to an act, entitled "An act for erecting the town of York, in the county of York, into a borough, for regulating the buildings, preventing nuisances and encroachments on the commons, squares, streets, lanes and alleys of the same, and for other purposes therein mentioned."

SECT. 1. [QUARTERLY meetings to be held on the second Mondays in May, August, November and February, annually. By-laws, &c. to be revised, repealed, &c. Ordinances to be made to promote good order, &c. and to regulate streets, lanes, &c. and power to lay taxes. Collector to be appointed. And other officers, and how they may be removed, &c. By-laws not to be repugnant to the constitution and laws, &c. No person to be punished for breach of by-laws, until ten days after promulgation of them. Taxes to be assessed on real property. And not to exceed one third of a cent in the dollar, unless for some great improvement, which shall be certified by the burgesses. 2. Taxes to be collected. And paid to the treasurer. Powers and duties of the burgess and assistant

burgess prescribed. 3. Court of appeal established. Individuals to be notified of the amount of tax assessed, &c. and powers of the court of appeal. 4. Allowance to the collector, and other officers to be discretionary with the burgess, &c. 5. Accounts to be published annually. 6. Treasurer to give bond, and not to hold any other office, &c. 7. Fairs to be held on the last Thursday in May and October, annually. 8. Appeal granted to the Court of Quarter Sessions for persons aggrieved, and so much of the original act as is altered and supplied, repealed.]

1812.

Passed 3d March, 1812.

CHAPTER MMMCCCLIII.

An ACT to provide for the copying of some of the records, in the office of the prothonotary of Cumberland county.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* it shall be the duty of the judges of the Court of Common Pleas, with the commissioners of Cumberland county, or a majority of them, to go into the office of the prothonotary of said county, and examine the books of record, and point out what particular books, in their opinion, should be copied; and certify the same to the prothonotary, and to direct him to copy such records, as to them or a majority of them, shall appear proper to be done, at the expense of said county.

Judges and commissioners to direct what books shall be copied.

Expense of, how paid.

SECT. II. *And be it further enacted by the authority aforesaid, That* it shall be the duty of the commissioners aforesaid, and they are hereby authorized and required, at the expense of the county, to furnish the prothonotary of the county aforesaid, with one or more blank books, of good strong paper, bound in leather, in which it shall be the duty of the said prothonotary to copy, or cause to be copied off, such records as have been pointed out to him by the certificates aforesaid; and to index said book or books, in a plain and intelligible manner; and when such original books shall be copied, they shall be deposited in some safe place in the office, and the copies so made from them shall be carefully compared with the original, by the clerk of the quarter sessions, and the register and recorder of said county, and their depositions set out in the last of the docket, or book taken before one of the judges of the Court of Common Pleas, and subscribed by them, that they had carefully compared the foregoing with the original, and that it was a true copy of the same, that the copies so made, or copies taken from such copy, when properly certified, shall have the effect and force in all courts of record and elsewhere, as though it had been taken from the original.

Commissioners to furnish blank books.

Duty of the prothonotary.

Copies by whom to be compared.

Clerk of the sessions and register and recorder to depose, &c.

SECT. III. *And be it further enacted by the authority aforesaid, That* for the services performed by the said prothonotary, he shall receive out of the county stock, by an order drawn by the county commissioners aforesaid, on the treasurer of said county, the sum of

Compensation for copying.

1812. *one cent for each line containing twelve words; and such further sum as the commissioners and auditors of said county shall think the said register and recorder, or clerk of the sessions entitled to for their services in comparing said records: Provided, That the fees and compensation to the respective officers arising under this act, shall not be subject to taxation, for the use of this commonwealth.*

And comparing.
Proviso.

Passed 3d March, 1812.

CHAPTER MMMCCCCLIV.

An ACT erecting part of Northampton into a separate county.

Part of
Northamp-
ton erected
into a new
county.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That all that part of Northampton county, lying and being within the limits of the following townships, to wit, the townships of Lynn, Heidelberg, Lowhill, Weissenburg, Macungie, Upper Milford, South Whitehall, North Whitehall, Northampton, Salisbury, Upper Saucon, and that part of Hanover within the following bounds, to wit, beginning at the Bethlehem line, where it joins the river Lehigh, thence along the said line until it intersects the road leading from Bethlehem to the Lehigh water gap, thence along said road to Allen township line, thence along the line of Allen township, westwardly, to the Lehigh, shall be, and the same are hereby, according to their present lines, declared to be erected into a county, henceforth to be called Lehigh.*

To be called
Lehigh
county.

To have si-
milar courts,
&c. with
other coun-
ties.

SECT. II. *And be it further enacted by the authority aforesaid, That the inhabitants of the said county of Lehigh, be entitled to, and shall at all times hereafter, have, all and singular, the courts, jurisdictions, offices, rights and privileges, to which the inhabitants of other counties of this state are entitled, by the constitution and laws of this commonwealth.*

Courts to be
held in De-
cember next,
at the house
of G. Savetz.

SECT. III. *And be it further enacted by the authority aforesaid, That from and after the third Monday in December next, the Courts of Common Pleas and General Quarter Sessions, in and for the said county of Lehigh, shall be opened and held at the house now occupied by George Savetz, in the borough of Northampton, in the said county of Lehigh, until a court-house shall be erected in and for said county, as hereinafter directed; and shall be then held at said court-house.*

This act not
to affect
suits, &c.,
already
commenced.

SECT. IV. *And be it further enacted by the authority aforesaid, That no suit or prosecution, which has been heretofore commenced, or which shall be commenced, in the courts of the county of Northampton, before the third Monday in December next, shall be delayed, discontinued, or affected by this act, but the same process shall be issued, and the same acts done on all such suits and prosecutions, and on all judgments thereon, by the sheriff and coroner of Northampton county, as if this act had not been passed.*

Not arrears
of taxes,
&c.

SECT. V. *And be it further enacted by the authority aforesaid, That all taxes and arrears of taxes, laid, or which have become due*

within the county of Lehigh, before the passing of this act, and all sums of money due to this commonwealth for militia fines, in the said county of Lehigh, shall be collected and recovered, as if this act had not been passed. 1812.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the sheriff, treasurer, prothonotary, and all such officers as have heretofore usually given surety for the faithful discharge of the duties of their respective offices, who shall hereafter be appointed or elected in the said county of Lehigh, before they or any of them shall enter into the execution thereof, shall give sufficient security, in the same manner and form, and for the same uses, trusts, and purposes, as such officers, for the time being, are obliged by law to do, in the county of Northampton.

Officers for Lehigh county to give bond, &c.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the sheriff, coroner, and other officers of the county of Northampton, other than the justices of the peace, shall continue to exercise the duties of their respective offices, within the county of Lehigh, until similar officers shall be appointed agreeably to law, within said county.

Sheriff, &c. of Northampton to act in Lehigh county until successors be appointed.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the inhabitants of the county of Northampton and Wayne, and of the county of Lehigh, shall jointly elect five representatives and two senators, to serve in the legislature of this commonwealth, in the same mode, under the same regulations, and make return in the same manner, as is, or shall be directed by the laws of this commonwealth for conducting and making returns of the elections of the counties of Northampton and Wayne.

Inhabitants of Lehigh county to elect representatives, &c. as heretofore.

SECT. IX. *And be it further enacted by the authority aforesaid,* That the governor be, and he is hereby authorized and required, on or before the first day of May next ensuing, to appoint three discreet and disinterested persons, not resident in the county of Northampton, nor holding real property therein, whose duty it shall be, to fix upon a proper and convenient site for a court-house, prison, and county offices, within the aforesaid county of Lehigh, as near the centre as the situation thereof will admit; and the said persons, or a majority of them, having viewed the relative advantages of the several situations, contemplated by the people, shall, on or before the first day of July next, by a written report, under their hands and seals, or under the hands and seals of a majority of them, certify, describe and limit the site or lot of land which they shall have chosen for the purpose aforesaid, and shall transmit the said report to the governor of this commonwealth, and the persons so as aforesaid appointed, shall receive three dollars per diem for their services, out of the monies to be raised in pursuance of this act.

Site to be fixed for a court-house and prison, in a central situation.

And before the first of July next, Commissioners to report to the governor.

Compensation to the commissioners.

SECT. X. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the commissioners of the county of Lehigh, which shall be elected at the next annual election, to take assurance of them or their successors in office, of such lot or piece of ground as shall have been approved of by the persons appointed as aforesaid, or a majority of them, for the purpose of erecting thereon a court-house, gaol and offices, for the safe-keeping of the records, and that for defraying the expenses thereof, the

Commissioners to purchase the site, &c.

And take assurance.

Buildings to be erected. Expense of, to be defrayed by tax.

1812.

county commissioners are hereby authorized to assess, and levy, and collect, in the manner directed by the acts for raising county rates and levies, a sufficient sum, to defray the expenses thereof.

Congressional district.

SECT. XI. *And be it further enacted by the authority aforesaid,* That the said county of Lehigh shall form part of the district, to which the county of Northampton is, or may be attached, for the election of members of congress.

Judges of the Supreme Court to have jurisdiction in Lehigh county. Which is to be attached to the eastern district.

SECT. XII. *And be it further enacted by the authority aforesaid,* That the judges of the Supreme Court shall have like powers, jurisdictions, and authorities, within the said county of Lehigh, as by law they are vested with, and entitled to have and exercise in other counties of this state, and the said county is hereby annexed to the eastern district of the Supreme Court.

Associate judges to be appointed for.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That two persons shall be commissioned associate judges of the Court of Common Pleas, in and for the said county of Lehigh; and that courts of Common Pleas, and General Quarter Sessions of the Peace, to be holden in and for said county of Lehigh, shall be opened on the Mondays next following the courts of Schuylkill county; and the said county of Lehigh shall be, and is hereby declared to belong to the third district, consisting of the counties of Berks, Northampton, Wayne, and Schuylkill.

When the courts shall be held in.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That the persons who shall be appointed associate judges for the county of Lehigh, shall take the requisite oaths or affirmations of office, before the prothonotary of the Court of Common Pleas, of the county of Northampton; who shall file a record of the same, in the office of the prothonotary of the Court of Common Pleas, of the county of Lehigh, who may be appointed at any time after the passing of this act; and all certioraries of, and appeals from, the judgment of any justice of the peace, of the said county of Lehigh, and all criminal prosecutions, which may originate in the said county, before the teste day hereinafter mentioned, shall be proceeded in as heretofore, in the Courts of Common Pleas, and Quarter Sessions, of the county of Northampton: and all process to issue from the courts of the said county of Lehigh, returnable to the first term in said county, shall bear teste as of the first Monday of October next.

To constitute part of the 3d judicial district. [Post.]

Judges to take the oaths, &c.

Which shall be recorded.

Of certioraries and appeals.

And teste of process.

Return judges to meet at Easton, &c.

SECT. XV. *And be it further enacted by the authority aforesaid,* That the judges of the district elections, within each of the said counties, after having formed the returns of the whole election for senators and representatives, as the case may be, within that county, in such manner as is or may be directed by law, in each year, shall send the same by one or more of their number, to the courthouse in the borough of Easton, in the county of Northampton aforesaid, when and where the judges so met, shall cast up the several county returns, and execute, under their respective hands and seals, as many true returns for the whole district, as may be requisite; and also transmit the same, as is by law required of the return judges in other districts.

Of prisoners.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That in all cases where it would be lawful for the sheriff, gaoler,

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Mileage to
sheriff.

Sheriff of
Northamp-
ton to re-
ceive prison-
ers, &c.

Fees to be
allowed.
And how
paid.

Limitation
of part of
this act.

or prison-keeper, of the county of Lehigh, to hold in close custody, the body of any person in the common gaol of the county of Lehigh; if such gaol were at this time erected in, and for, the said county of Lehigh; that all such persons shall be delivered to, and kept in close custody by the sheriff, gaoler, or prison-keeper of the county of Northampton, who, upon delivery of such prisoner, to him or them at the common gaol of said county of Northampton, shall safely keep her, him, or them, until they be discharged by due course of law; and shall also be answerable in like manner, and liable to the same pains and penalties, as if the persons so delivered were liable to confinement in the common gaol of Northampton county; and the parties aggrieved, shall be entitled to the same remedies, against them, or any of them, as if such prisoner had been committed to his or their custody, by virtue of legal process issued by proper authority, in the said county of Northampton: *Provided always*, That the sheriff of Lehigh county be allowed, out of the county stock of Lehigh county, ten cents per mile, as a full compensation for every criminal he may deliver to the gaol of Northampton county, by virtue of this act, on orders drawn by the commissioners of Lehigh county, on the treasury thereof.

SECT. XVII. *And be it further enacted by the authority aforesaid*, That the sheriff, gaoler, and prison-keeper of the county of Northampton, shall receive all such prisoners as aforesaid, and shall provide for them according to law, and shall be entitled to the fees for keeping them; and also to such allowance as is by law directed for the maintenance of prisoners in similar cases; which allowance shall be defrayed and paid by the commissioners of the county of Lehigh, out of the county stock.

SECT. XVIII. *And be it further enacted by the authority aforesaid*, That the sixteenth and seventeenth sections of this act, shall be, and continue in force for the term of three years, and no longer.

Passed 6th March, 1812.

CHAPTER MMMCCCCLVI.

An ACT for altering the state road in Bedford county.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That so much of the state road in the county of Bedford, as follows, *viz.* beginning at the run near the house of William Todd, then westwardly by the house now occupied by John Ewalt, one hundred and fifty-seven perches or thereabouts, be, and the same is hereby established on, and along the ground, where the same has been hitherto travelled, so as to branch off from the Glade road, at the said house of John Ewalt; and the part of the road, laid out along the distance aforesaid, north of the tract hitherto travelled, as aforesaid, be, and the same is hereby vacated.

Certain parts
of the state
road to be al-
tered.

Passed 6th March, 1812.

1812.

CHAPTER MMMCCCLVIII.

An additional SUPPLEMENT to an act, entitled "An act to alter the judiciary system of this commonwealth."

WHEREAS the holding of Courts of Nisi Prius by the judges of the Supreme court, for thirty-three weeks, in each and every year, is attended with inconveniences, by not leaving sufficient time for closing the business of the several Supreme Courts in bank: Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the Judges of the Supreme Court, whenever they may think it expedient, to apply as much of the said thirty-three weeks, as in their opinion may be necessary, to the transaction of the business of the said court in either of the districts of this state in bank.

SECT. II. *And be it further enacted by the authority aforesaid,* That when more than one exception is taken, or point made in any Court of Common Pleas, or other court, of inferior jurisdiction, in this commonwealth, and the same has been duly removed to the Supreme Court for their decision, the judges of the Supreme Court of this commonwealth, are hereby enjoined and required to give their opinion on every point and exception, taken and signed in the inferior court, which opinion so delivered, if required by either plaintiff or defendant, or any third person, interested in the event of the cause, shall be filed in writing by the said judges, with the prothonotary of the proper district.

Passed 6th March, 1812.

CHAPTER MMMCCCLIX.

An ACT enabling a committee appointed by the Court of Common Pleas, of York county, to sell and convey the real estate of Abraham Cook, a lunatic.

SECT. 1. [THE committee of Abraham Cook authorized to sell his real estate, and to appropriate the proceeds to his support, &c. They shall enter into recognizance, &c. and render an account to the heirs, &c. of said Abraham Cook, for the residue, after death of lunatic.]

Passed 6th March, 1812.

CHAPTER MMMCCCLX.

An ACT to repeal a certain part of the act, entitled "A further supplement to an act, entitled "An act to alter the judiciary system of this commonwealth."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly*

(Appt. pa.
155.)

Time of sitting in bank, may be increased.

Judges to give their opinion on every point of exception.

And file the same.

(Appt. pa.
17.)

met, and it is hereby enacted by the authority of the same, That the ninth section of the act, entitled "A further supplement to an act, entitled "An act to alter the judiciary system of this commonwealth;" passed the eleventh day of March, one thousand eight hundred and nine, be, and the same is hereby repealed. 1812.

Part of the
Judiciary
law repeal-
ed.

Passed 6th March, 1812.

CHAPTER MMMCCCLXI.

An ACT to increase the number of constables in the boroughs of Lancaster and Easton.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the electors residing in the borough of Lancaster, shall, on the third Friday in March, yearly, and every year thereafter, elect eight suitable persons, being citizens of the said borough, for the office of constable; and shall return the names of the persons so elected, to the next general Court of Quarter Sessions of the Peace, to be holden for the county of Lancaster, and the court shall appoint four of them to serve as constables for the said borough, conformably to law.*

Four constables to be appointed in Lancaster.

SECT. II. *And be it further enacted by the authority aforesaid, That so much of the act, entitled "An act for the electing and appointment of constables, in the boroughs of Reading and Lancaster;" passed the second day of March, one thousand eight hundred and five, as relates to the appointment of constables in the borough of Lancaster, be, and the same is hereby repealed.*

Part of a former law repealed.

SECT. III. *And be it further enacted by the authority aforesaid, That the electors, residing in the borough of Easton, in the county of Northampton, shall, on the first Friday of March, yearly, and every year hereafter, elect four suitable persons, being citizens of the borough, for the office of constable; and shall return the names of the persons so elected, to the next Court of Quarter Sessions of the Peace, to be holden for the county of Northampton; and the court shall appoint two of them constables for the said borough, conformably to law, any law, usage or custom, to the contrary notwithstanding.*

Two constables to be appointed for Easton.

Passed 6th March, 1812.

CHAPTER MMMCCCLXII.

A SUPPLEMENT to an act, declaring the holding of office or appointment under this state, incompatible with the holding or exercising offices or appointments, under the United States. (Vol. 3, p. 485.)

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assem-*

1812. *bly met, and it is hereby enacted by the authority of the same, That no member of congress, from this state, nor any person holding, or exercising any office or appointment of trust or profit, under the executive, legislative, or judiciary departments of the government of the United States, shall at the same time, hold, exercise, or enjoy, the office of clerk of the Court of Quarter Sessions, clerk of the Orphans' Court, or deputy-surveyor, under this commonwealth.*

Holding certain offices under this state, held incompatible with certain under the U. States.

Persons holding offices under this state and U. S. at same time, the former to be void after the 4th of March next.

Certain offices held incompatible with a seat in the legislature, &c.

SECT. II. *And be it further enacted by the authority aforesaid, That the holding of the office of clerk of the Court of Quarter Sessions, clerk of the Orphans' Court, or deputy-surveyor, under this commonwealth, is hereby declared to be incompatible with the holding any office or appointment under the United States; and the office or appointment, so holden under the government of this state, shall be, and the same is hereby declared to be null and void; and every person continuing to hold such commission, office, or appointment, after the fourth of March, one thousand eight hundred and thirteen, shall be subject to all the penalties of the act to which this act is supplementary.*

SECT. III. *And be it further enacted by the authority aforesaid, That no member of either branch of the legislature of this commonwealth, shall, during the time for which he shall have been elected, hold any other office or appointment within this commonwealth, to which perquisites or fees are attached under the constitution, or any law, except in the militia, attorney at law, or elective offices and appointments, by the people, and by courts of justice.*

Passed 6th March, 1812.

CHAPTER MMMCCCLXIII.

(Vol. 4, p. 255.)

A SUPPLEMENT to the act, entitled "An act to incorporate the Lancaster and Susquehanna Insurance company."

SECT. 1. [CHARTER extended for six years, and perpetuated as to insurances from fire. 2. But the powers hereby granted may be resumed by the legislature, if injurious to the public.]

Passed 6th March, 1812.

CHAPTER MMMCCCLXIV.

An ACT to erect the towns of Waterford and New-Haven, in the county of Lancaster, into a borough.

SECT. 1. [WATERFORD and New-Haven erected into a borough, by the name of "Marietta," and boundaries described. 2. And it shall and may be lawful for all persons, entitled to vote for members of the legislature, who have resided in the said borough, twelve months previously to such election, to meet at the school-

house, in the said borough, (or at such other place as may hereafter be appointed,) on the second Tuesday of April, in every year; and then and there elect borough officers—and how elections to be conducted. Lots to decide between candidates equal in votes. How returns of elections to be made, and vacancies are to be supplied. 3. Burgess and town council to be a body corporate, by the name of “The Burgess, and town council of the borough of Marietta,” with the usual corporate powers. 4. Penalty on officers refusing to serve; which shall be appropriated to the use of the corporation. 5. Officers to take an oath to support the constitution, &c. and to perform the duties of their offices with fidelity, &c. 6. Meetings, when to be held, for making by-laws, and rules and regulations, &c. and to lay taxes. Town clerk, treasurer, and road commissioners, to be appointed. By-laws not to be inconsistent with the constitution, &c. By-laws to be three weeks published, before the penalty can be demanded. Taxes not to exceed a quarter of a cent in the dollar, unless by consent of a majority of freeholders, for purposes of general utility, &c. Out-lots may be taxed, when built on, as town-lots, and not otherwise. 7. Of the collection of taxes, fines, &c. Monies to be paid to the treasurer. Duties of the burgess, and his jurisdiction prescribed. Powers and duties of the town council. Notice of the amount of tax to be given; and proviso as to appeals. 8. Town clerk to attend meetings, &c. Other duties of, prescribed, and his certificate of corporate acts to be legal evidence. 9. Treasurer to give security, &c. 10. How the corporation accounts to be settled, and published. 11. How notice of elections to be given. Duties of the high constable, and certain persons to superintend the first election. 12. Appeals may be had to the Court of Quarter Sessions, on giving security, &c.]

Passed 6th March, 1812.

CHAPTER MMMCCCCLXV.

An ACT to exonerate from the effects of a judgment, the estate of the late Frederick Antes, deceased.

SECT. 1. [THE estate of Frederick Antes exonerated from the effects of a certain judgment, on payment of a certain sum by the administrator, to the state treasurer.]

Passed 6th March, 1812.

CHAPTER MMMCCCCLXVI.

An ACT for the relief of Jacob Rouse, a wounded soldier.

SECT. 1. [APPROPRIATION in favour of Jacob Rouse; and an annuity of forty dollars granted to him during life, payable half yearly.]

Passed 6th March, 1812.

1812.

CHAPTER MMMCCCCCLXIX.

An ACT to incorporate the Pennsylvania company, for insurance on lives, granting annuities, and other purposes.

SECT. 1. [COMMISSIONERS appointed. Book to be opened after notice. Names of subscribers to be inserted. Style of the company to be "The Pennsylvania company for assurances on lives, and granting annuities and reversions." Subscriptions to be taken, and how long the book to be kept open. Number of shares not to exceed five thousand. Of equalizing subscriptions. If five thousand shares are not subscribed in the three days, the book may be continued open. Not more than ten shares to be subscribed for by one person, during the three first days. 2. Subscribers to be a body politic, by the name, style and title of "The Pennsylvania company for insurances on lives, and granting annuities;" with the usual powers and privileges. Of amount of real estate to be held. Of by-laws, and annual and other meetings. Yearly income not to exceed ten thousand dollars. 3. Capital stock to be five hundred thousand dollars.—Divided into five thousand shares. Twenty dollars to be paid on each share on subscribing, and the remainder when called for. Notice to be given. Penalty on neglecting to pay, &c. 4. Thirteen directors to be chosen, who shall be citizens and stockholders of two shares. President to be chosen. Corporation not to be dissolved for neglecting to elect, &c. But elections may be held within ninety days, &c. Old officers to continue until the new ones be qualified. How vacancies to be supplied. First directors named. Their term of service. President to be elected within ten days. 5. Directors to be voted for by ballot.—Five shares, or less, one vote; fifty shares, or less, one vote for every five shares above five; one hundred shares, one vote for every ten shares above fifty shares; but no stockholder, in his own right, or as proxy, to have more than thirty votes, and regulation as to proxies. 6. Seven directors to be a quorum, and their powers described. 7. Funds of the company may be vested in stock, ground rents, &c. which may be sold as occasion may require. No business to be done in the nature of banking. Company not to speculate in stock, &c. 8. May make an insurance on lives, and grant annuities, &c. Policies, &c. to be in writing or print, and under seal. 9. Directors to meet on the first Monday in January next, and in July and January every year. Dividends to be made and declared. 10. Shares to be assignable. Stock not to be held by aliens. Legislature may resume the powers hereby granted.]

Passed 10th March, 1812.

CHAPTER MMMCCCCCLXX.

An ACT for the relief of John Hoskins and Daniel Dougherty, old soldiers.

SECT. 1. [FORTY dollars to be paid to John Hoskins, and an annuity for his use, to Thomas Baird, who shall provide cloth-

ing, &c. and account to the Orphans' Court, &c. 2. Forty dollars 1812.
to be paid to Daniel Dougherty, and annuity for his use to James
Scott. How the same shall be expended by him. Statement to be
submitted to the Orphans' Court, &c.]

Passed 10th March, 1812.

CHAPTER MMMCCCCLXXI.

An ACT authorizing the governor to contract with John Binns, for printing a certain number of copies of such parts of the English statute law, as is reported by the judges of the Supreme Court to be in force within this commonwealth, and to provide for the distribution thereof.

SECT. 1. [THE governor to contract with John Binns for printing seven hundred and fifty copies of the English statutes, at two dollars per copy. When the money shall be paid. The work shall be distributed by the secretary of the commonwealth to the same officers for the time being, and for the same uses, and under the same conditions as the last edition of the laws of Pennsylvania, published by John Bioren, have been distributed, as soon as convenient after they have been received and approved as aforesaid.]

Passed 10th March, 1812.

CHAPTER MMMCCCCLXXII.

An ACT to authorize the further improvement of the state-house-yard, in the city of Philadelphia, and for other purposes.

WHEREAS the corporation of the city of Philadelphia, in pursuance of the authority given to them by the fourth section of the act of the general assembly, passed the thirtieth day of April, in the year one thousand seven hundred and ninety-one, have lowered the walls of the east and west sides of the state-house-yard, and placed iron palisadoes thereon agreeably to the direction of the said act: *And whereas*, it would add to the improvement of the public walks if the south wall was also lowered, and palisadoes erected thereon; Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the select and common councils of the city of Philadelphia, shall have power, at the expense of said city, to take down the wall on the south side of the state-house-yard, to within three feet of the pavement, and erect thereon good and substantial palisadoes of iron, fixed on stone capping, leaving a spacious opening or gate-way in the centre thereof, and fixing suitable folding gates thereto.*

South side of the state-house wall to be taken down, &c. Iron palisadoes to be affixed, Gate-way to be left.

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Select and common councils to take charge of the state-house-yard. And pass ordinances respecting it, &c.

Title of the state to remain unaltered, &c.

Part of a former resolution repealed.

SECT. II. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the select and common councils of the city of Philadelphia, during the pleasure of the legislature, to take charge and care of the state-house-yard, and they are hereby authorized to pass ordinances for the preservation of order and decorum within the same, and to prohibit therein the use or practice of any unlawful game, sport or diversion, or any improper conduct whatever, and prescribe the time at which the gates thereof shall daily be opened and closed.

SECT. III. *And be it further enacted by the authority aforesaid,* That nothing in this act contained shall be taken to impair the title of this commonwealth to the said state-house and the lot thereto appertaining.

SECT. IV. *And be it further enacted by the authority aforesaid,* That so much of the resolution of the legislature, passed the seventeenth day of March, in the year one thousand eight hundred and two, as directs that it shall be the duty of Charles Wilson Peale to take charge and care of the state-house-yard, be, and the same is hereby repealed.

Passed 10th March, 1812.

CHAPTER MMMCCCCLXXV.

An ACT granting an annuity to Joseph Johnson, for life, and also granting to him a tract of donation land.

SECT. 1. [FORTY dollars to be paid to James Scott. And an annuity of like amount to Joseph Johnson, in trust, &c. How to be expended. Statement to be made to the Orphans' Court. 2. Tract of donation land granted to Joseph Johnson.]

Passed 10th March, 1812.

CHAPTER MMMCCCCLXXVI.

A SUPPLEMENT to the act, entitled "An act to incorporate the Philadelphia society, for the encouragement of domestic manufactures."

[Vol. 4, p. 372.]

SECT. 1. [ACT to continue for the term of twenty years. 2. The said corporation shall not purchase or dispose of any goods, other than such as have been manufactured in the whole or in part within the United States.]

Passed 10th March, 1812.

CHAPTER MMMCCCCLXXVIII.

An ACT to enable the guardians of David Maclay and Robert Maclay, minor children of Samuel Maclay, late of Northumberland county, deceased, to make partition on their behalf of certain real estate.

SECT. 1. GUARDIANS of the minor children of Samuel Maclay, deceased, empowered to make partition, and execute releases.]

Passed 13th March, 1812.

CHAPTER MMMCCCCLXXIX.

A SUPPLEMENT to the act, entitled "An act making appropriations for certain roads therein mentioned, and also for improving the navigation of certain rivers;" passed the eleventh of April, one thousand eight hundred and seven. [Vol. 4, p. 469.]

SECT. 1. [JAMES ARMSTRONG appointed in the place of Thomas Stubbs, deceased. Governor to supply future vacancies.]

Passed 13th March, 1812.

CHAPTER MMMCCCCLXXX.

An ACT relative to the Courts of Common Pleas, in the county of Cumberland.

WHEREAS many suitors in the county of Cumberland, suffer inconvenience by reason of the president of the Court of Common Pleas, in said county, having, before his appointment to said office, been concerned in many important causes which prevents him from sitting at the trial of such causes, and thereby deprives the said suitors of the advantage of legal opinions and decisions, on questions of law, arising on the trial of such causes: for remedy whereof,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* it shall be the duty of the prothonotary of the county of Cumberland, under the direction of the president of the courts thereof, to make out a docket of all causes and suits remaining untried or undetermined, in which the said president is concerned in interest, or was of counsel before his appointment to said office.

List of suits, &c. to be made out, in which the president of the 9th district was counsel.

SECT. II. *And be it further enacted by the authority aforesaid, That* a copy of the said docket shall be transmitted to the president of the second judicial district, which president shall be, and he is hereby authorized to appoint a time for holding a special court for the trial of all causes contained in the said docket, directing two

Said causes to be tried by the president of the 2d district, at a special court.

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Notice to be given.
Trials to be had at Carlisle.

President may adjourn the court, &c.

How jurors to be drawn.
And trials conducted.

Compensation allowed to the president.

How paid.

Of judgments.

months notice to be given in the public newspapers of the borough of Carlisle, of the time of holding such special court; and it shall be the duty of the president of the said second district, to attend at the borough of Carlisle on the day appointed for holding such special court, and then and there with the associate judges of the county, hold such court and preside at the same; and the said president shall have power to adjourn the said court to such other convenient time or times, until all the causes in the said docket shall have been tried and determined before him, which trials shall be in all other respects as the law directs, as if the said causes had been tried and determined before the proper president of the court, and all juries shall be drawn and summoned for the trial of causes at the said special court, in the same manner as is usual at any regular or adjourned court in said county, and be entitled to like compensation.

SECT. III. *And be it further enacted by the authority aforesaid,* That for holding the said special court, the said president shall be entitled to five dollars for each and every day he shall preside therein, and in coming to and returning from the same, to be paid by the treasurer of the county of Cumberland, on warrants drawn by the commissioners thereof.

SECT. IV. *And be it further enacted by the authority aforesaid,* That all judgments rendered in the said special court, shall be carried into full effect by the Court of Common Pleas of Cumberland county.

Passed 13th March, 1812.

CHAPTER MMMCCCCLXXXI.

An ACT to authorize the governor to incorporate a company for making an artificial road from, at, or near the village of Belmont, in the county of Wayne, in a southerly direction, along or near the route of the North and South state road, until it shall intersect the Easton and Wilkes-Barrè turnpike road, in Northampton county.

SECT. 1. [COMMISSIONERS appointed. Books to be procured for subscriptions. Notice to be given of opening the books. Two of the commissioners to attend. Who may subscribe. How long the books to be kept open. Number of shares to be subscribed in each book. Books may be transferred. Notice thereof to be given. When twelve hundred shares are subscribed, the books to be closed. Five dollars to be paid on each share on subscribing. How appropriated. 2. When fifty persons have subscribed eight hundred shares, the same shall be certified to the governor. Who shall issue his letters patent, incorporating the company, by the style of "The President, Managers and company, of the Belmont and Easton turnpike road," with the usual corporate powers. 3. Notice to be given of organizing the company, and of choosing officers and making by-laws. Company to have like powers with the Coshecton and Great Bend turnpike road company. But no toll shall be demanded or taken from any person passing or repassing from one part of his or her farm to another, or to and from any place of public worship, or a

funeral, or from the militia, on days of training. Work to commence in three years, and be completed within fifteen, &c. Penalty on failure.] 1812.

Passed 13th March, 1812.

CHAPTER MMMCCCLXXXII.

A SUPPLEMENT to the act, entitled "*An act authorizing the governor to incorporate a company, for making an artificial road from the bank of the river Susquehanna, opposite the borough of Harrisburgh, to Pittsburgh.*" (Vol. 4, p. 279.)

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That as soon as the company shall have been incorporated, agreeably to the provisions of this act, and the act to which this is a supplement, the president and managers of the same, shall proceed to lay down, mark, and ascertain, such route or track for the road therein mentioned, as shall to the best of their judgment and skill, combine shortness of distance with the most practicable ground, from the bank of the river Susquehanna, opposite the borough of Harrisburgh, through Carlisle and Bedford to Pittsburgh. Route to be marked.

SECT. II. *And be it further enacted by the authority aforesaid,* That as soon as the said company shall have been incorporated, in pursuance of this act, and the act to which this is a supplement, the governor be, and he hereby is authorized and required to subscribe on behalf of this commonwealth, for seven thousand shares of the stock of the said company, being the sum appropriated by an act, entitled "*An act to encourage the constructing of certain great and leading roads within this commonwealth, and the erection of bridges over the Susquehanna at Harrisburgh, Northumberland, Columbia, and M'Call's ferry;*" passed the second day of April, anno Domini one thousand eight hundred and eleven, for the purpose of making a turnpike road from Harrisburgh to Pittsburgh, and he is also required as soon as any distance, not less than five miles of the said road, shall have been completed and approved of, to draw his warrant on the treasury in favour of the said company for such part of the said subscription as the said section of the road shall be entitled to, in proportion to the whole distance, and so on as the road progresseth, commencing at the bank of the river Susquehanna, opposite the borough of Harrisburgh, and the said company are hereby authorized to commence and progress turnpiking the said road at any other point they may think proper, exceeding the distance of fifty miles from the said borough of Harrisburgh, and on commencing at such point, and the distance of five miles having been completed and approved of, the governor is hereby required to draw his warrant on the treasury, in favour of the said company, for a proportional part of the said subscription for the said section, and also for a proportional part of the said subscription for ten miles in advance, progressing from the said second point, and so on in advance on the completion of the said section, and of every subsequent section of ten miles. Governor to subscribe for 7000 shares of stock.

When the money shall be paid, and in what proportions.

When the road may be commenced.

Governor to draw his warrant, &c.

1812.

Seven commissioners may act. Company to be organized at Bedford.

Repealing section.

SECT. III. *And be it further enacted by the authority aforesaid,* That in all cases, any seven of the commissioners named in the act to which this is a supplement, shall be competent to act, and the place at which the subscribers shall proceed to organize the corporation, and elect their officers under the provisions of the third section of said act, shall be the town of Bedford.

SECT. IV. *And be it further enacted by the authority aforesaid,* That so much of any act or acts as is hereby altered or supplied, be, and the same is hereby repealed.

Passed 13th March, 1812.

CHAPTER MMMCCCLXXXIV.

An ACT for the relief of David Davidson, an old soldier.

SECT. 1. [FORTY dollars to be paid D. Davidson, and an annuity of forty dollars, payable half yearly, during life.]

Passed 13th March, 1812.

CHAPTER MMMCCCLXXXV.

An ACT to cede to the United States, the jurisdiction over a piece of land at Presque' Isle, for a light house.

WHEREAS the congress of the United States, by an act passed the first day of May, in the year of our Lord one thousand eight hundred and ten, authorized the erection of a light house at or near Presque' Isle, and appropriated a sum of money to defray the expense of erecting the same:

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That for the purpose of erecting a light-house, jurisdiction is hereby ceded to the United States, in and over the following tract or piece of land near Presque' Isle and the town of Erie, *to wit,* Beginning on the north boundary line of tract No. 38, in the Erie Reserve, at the distance of fifty-eight perches, eastward, from the northwest corner of said tract, at a post, and running thence north sixty-three degrees, east sixteen perches, to a post, thence south twenty-seven degrees, east twenty perches, to a post; thence south sixty-three degrees, west sixteen perches, to a post; thence north twenty-seven degrees, west twenty perches, to the place of beginning; being part of tract No. 38, containing two acres, which has been laid off by commissioners appointed by an act of the legislature of Pennsylvania, passed the second day of April, in the year one thousand eight hundred and eleven.

SECT. II. *And be it further enacted by the authority aforesaid,* That this commonwealth shall, and hereby doth retain, concurrent jurisdiction with the United States, over the said tract or piece of land so far, that process, civil and criminal, issuing under the au-

A piece of land ceded to the U. S. for a light-house.

State jurisdiction to be concurrent in certain cases.

thority of said commonwealth, may be executed in any part of the said two acres or in any building thereon to be erected.

1812.

Passed 13th March, 1812.

CHAPTER MMMCCCLXXXVI.

An ACT for the relief of insolvent debtors, residing in the city and county of Philadelphia, and their creditors.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the governor of this commonwealth be, and he is hereby authorized, to appoint three persons in the city and county of Philadelphia, to be commissioners, to execute all and singular the duties and powers granted, enjoined, and required by the provisions of this act, and each and every commissioner so to be appointed, before he enters upon the duties of his office, shall take and subscribe before one of the judges of the Supreme Court, or of the Court of Common Pleas, or District Court, for the said county, an oath or affirmation, well and truly to perform, all and singular, the duties enjoined on him by the provisions of this act; which oath or affirmation the said commissioners shall cause to be filed in the office of the prothonotary of the Supreme Court, for the eastern district.

Commissioners to be appointed.

Who shall take and subscribe an oath, &c.

Which shall be filed.

SECT. II. *And be it further enacted by the authority aforesaid, That* it shall be lawful for any person being a citizen of this commonwealth, and who shall believe him or herself to be insolvent, to present a petition to the said commissioners, provided such petitioner shall have resided in the said city or county two years, next before the time of presenting his or her petition, stating his or her belief of his or her insolvency, and praying that he or she may be permitted to assign all his or her estate and property, for the benefit of his or her creditors, and be discharged by virtue of this act; whereupon the said commissioners shall immediately appoint three curators, to whom all the estates, real, personal and mixed, of the petitioner shall be by him forthwith assigned; and the said curators shall immediately take possession thereof, and exercise complete controul over the same, in trust for all the petitioner's creditors, until the assignees hereinafter mentioned shall have been appointed, and the said curators shall immediately give notice of their appointment in three or more public newspapers, printed in the city of Philadelphia; and they shall allow the said petitioner the use of his or her house, and of such household furniture as shall be necessary for his or her comfort, and shall allow him or her out of the effects assigned, such weekly sum or allowance as may be necessary for the support of him or herself, or his or her family, as the case may be; and the said commissioners shall, on possession being taken of the estate and effects as aforesaid, grant to the said petitioner, under the hands and seals of the said commissioners, a provisional discharge, which shall protect such petitioner from all arrest or arrests in all civil cases, either on mesne or final process, until the case of the

Persons apprehending themselves insolvent, to petition. Provided they have resided in the city and county two years.

Curators to be appointed.

Who shall take possession of the petitioner's goods.

Notice to be given.

Allowance to the petitioner.

And discharge from arrest.

1812.

Petitioner
and his credi-
tors to be
heard.

Notice to be
given.

List of credi-
tor's debts,
and posses-
sions to be
exhibited.

Oath to be
taken by the
petitioner.

Assignees to
be appointed.

Powers and
duties of.

Household
goods and im-
plements of
trade, &c.
exempted.

Curators to
account, &c.

Compensa-
tion.

Their powers
to cease and
determine.
The trusts to
be binding on the
assignees.

said petitioner shall be finally heard and determined on by the said commissioners in manner hereinafter provided; and the said commissioners shall forthwith appoint a time and place not less than twenty days distant from the time of executing the said provisional assignment, for hearing the said petitioner and his creditors, and shall direct the said curators to give notice thereof in three or more public newspapers as aforesaid; and shall direct the said petitioners to give at least fifteen days written or printed notice to at least two-thirds of his or her creditors in number and amount within the said city and county; and on the day and time appointed for the hearing, the said petitioner on proving the service of notice upon at least two-thirds of his or her creditors as aforesaid, and shall exhibit a true account or list of all his or her creditors and of the monies due, or to become due and owing to them respectively by the petitioner, and also an inventory and account of all his or her estate, real, personal and mixed, and of all interest of the said petitioner, either present or contingent, in any thing of value, and of all books, vouchers and securities, relating to the same, and every part thereof; whereupon one of the said commissioners shall administer to such petitioner the following oath or affirmation: "I do solemnly swear, (or affirm as the case may be,) that the account, list and inventory, now delivered to the commissioners is true in all its parts to the best of my knowledge and belief, and that, to the best of my remembrance, nothing is omitted therein, and that if I should hereafter recollect or discover any thing that has been omitted or mis-stated, I will give immediate information thereof to the assignees now appointed or hereafter to be appointed in my case." And after such oath or affirmation has been administered, it shall be the duty of the said commissioners, to assign to three reputable persons, to be nominated by the creditors, and agents of creditors, or a majority in number and amount then present; which persons so appointed, shall be assignees, with full powers to seize, take, hold, possess, manage, and distribute in manner hereinafter provided, all the estate, real, personal and mixed, of the said petitioner, or which was of the said petitioner at the time of the provisional assignment, whether in the hands of the said curators or elsewhere, except such articles of household furniture and wearing apparel necessary to the said petitioner's comfort, and the comfort of his or her family, as may be approved of by the said commissioners, not exceeding in the whole three hundred dollars, the necessary tools or implements of his or her trade, and his militia arms and accoutrements; and the said curators shall forthwith deliver over to and account for with the said assignees all the estate, money and effects whatsoever, of the said petitioner, that may have come to their hands, deducting therefrom any sum that may have been by them reasonably allowed and expended in the execution of their trust, and also such compensation for their trouble as to the said commissioners may seem just and reasonable; and immediately from and after the appointment of the said assignees, all the powers and functions of the said curators shall cease and determine: *Provided always*, That all legal acts of the said curators, done before the appointment of the said assignees, shall be valid and bind-

ing upon the said assignees, and if any creditor or creditors, or any agent or attorney on behalf of any creditor or creditors, shall then appear to oppose the said petitioner, or to examine into the state of his or her affairs, the said creditor or creditors, his, her or their agent or attorney, may proceed to ask such questions of the said petitioner, or of any other person or persons, on oath or affirmation, as may tend to disclose the real situation of such petitioner's affairs, and to ascertain whether he or she be fairly entitled to the benefit of this act; and if any of the said creditors, or any agent or attorney of any of the said creditors, or any of the said commissioners, shall not be fully satisfied after such examination, then the said commissioners shall appoint a time and place for a second examination, having regard in fixing the said time to the nature of the case, and to the facility or difficulty of obtaining any testimony that may be expected to be produced: *Provided however*, That such time shall never be less than ten nor more than sixty days from the time of the first examination; and the said commissioners shall, upon the application of any creditor, or the agent or attorney of any creditor, or of the said petitioner, summon any person or persons to give testimony before such commissioners, at such time and place as shall be in such summons mentioned, and in case such person or persons shall refuse or neglect to attend, and upon the oath or affidavit of the due service of such summons, then it shall be lawful for the said commissioners to issue a warrant under their hands and seals, commanding the sheriff, or other proper officer, to apprehend such person or persons, as shall in such warrant be named, and to bring him, her, or them, before the said commissioners, at such time and place as shall in such warrant be mentioned, to answer such questions as shall be asked of him, her, or them, touching the affairs of the said petitioner; and if such person or persons, being served with such summons, shall duly appear, and refuse to answer, upon oath or affirmation, all legal questions touching the matter aforesaid, then it shall be lawful for said commissioners, by warrant under their hands and seals, to commit such person or persons to prison, there to remain till he or she shall answer as aforesaid, or shall be otherwise discharged according to law; and in every such warrant shall be specified the cause of commitment.

1812.

Creditors may oppose the petitioner, &c.

May propose questions.

Second examination may be had.

Within what time.

Witnesses to be summoned.

Penalty on neglecting to attend.

May be committed for refusing to answer.

SECT. III. *And be it further enacted by the authority aforesaid*, That if upon the said second examination, it shall appear to the satisfaction of the said commissioners,

I. That the said petitioner has not concealed any part of his property, or conveyed any part thereof in trust, in order to defeat or defraud his creditors:

First specification to be sworn to by petitioner.

II. That he has not, since the passing of this act, made any partial or conditional assignment or conveyance in contemplation of insolvency, to secure any one or more of his creditors to the exclusion, or in preference, and to the damage of his other creditors:

2d specification.

III. That he hath not, since the passing of this act, aided, assisted, or abetted any one of his creditors in procuring any mortgage, judgment or any lien upon his estate, with intent to prefer any such creditor to the damage of his other creditors:

1812.

4th specification.

5th.

6th.

Petitioner to have a certificate of having conformed, &c.

Which shall be filed.

Transcript thereof to be a security against imprisonment.

And an exoneration from all debts due by him at its date, &c.

General issue may be pleaded, and the special matter given in evidence, &c.

Certificate to be filed. And recorded.

Proceedings where the petitioner hath been guilty of any of the acts enumerated in the six specifications.

IV. That he hath not, since the passing of this act, made any fraudulent payment in contemplation of insolvency, with intent to prefer any creditor or creditors to the damage of his other creditors :

V. That he hath not, in contemplation of insolvency, made any fraudulent purchase, or fraudulently borrowed any sum of money with intent to defraud the party of whom such purchase may have been made, or such money may have been borrowed :

VI. That he hath not been guilty of any fraudulent conduct, either by keeping false books or otherwise :

Then the said commissioners shall give to the said petitioner a certificate under their hands and seals, that the said petitioner hath in all things conformed to, and is discharged by this act, and the said petitioner shall forthwith, file the said certificate in the office of the prothonotary of the Supreme Court for the eastern district, who shall on application, for the fee of fifty cents, give a transcript thereof, under the hand of the said prothonotary, and the seal of the said court; which certificate or transcript, shall be a sufficient authority to any sheriff or gaoler to set such petitioner at large, if imprisoned, and shall be conclusive evidence in all courts of this state of the fact that such petitioner has been discharged by virtue of this act, and shall be construed to discharge such insolvent from all debts and demands due from him, or for which he was liable at the date of such certificate or contracted or originating before that time, though payable or liable to be exacted afterwards; and no person so discharged, shall be liable to be arrested or imprisoned for any debt or demand due from him or to which he was liable at the time of the said discharge, or contracted or originating before that time though payable or liable to be exacted afterwards, and if sued, prosecuted, impleaded, arrested, or imprisoned for or by reason of any such debt or demand, may plead the general issue, and give the special matter in evidence, upon, and under a notice given with said plea, in which notice he shall state that he has been discharged under this act, the commissioners who signed the discharge and the date thereof; and the said prothonotary of the Supreme Court is hereby required to file and preserve the said certificate, and to keep a book with a proper index, in which book he is hereby required to record the said certificate, and it shall be his duty to receive and safely keep in proper order, all the papers and documents hereinafter directed to be lodged in his office.

SECT. IV. *And be it further enacted by the authority aforesaid,* That if upon such second examination, as is provided for in the third section of this act, it shall appear to the satisfaction of the commissioners that the said petitioner hath done, or committed, or been guilty of any of the acts or things enumerated under the six specifications in the said third section contained, then and in such case, the said commissioners shall proceed to assign to three persons, who shall be appointed in like manner, and shall have like powers and authority as in the second section is provided, and the powers and functions of the said curators shall cease and determine in like manner as in the said section is provided; but the said commissioners shall not grant any such certificate to the said petitioner as is in the

said second section directed to be given; and if there shall appear to the commissioners any strong ground to suspect fraud or perjury, the said commissioners shall bind over such petitioner in a recognizance, with two sufficient sureties, or if no such sureties can be found, commit such petitioner by warrant under their hands and seals to the common gaol, to answer to the next Court of Quarter Sessions of the county of Philadelphia, for such fraud or perjury, or application may be made to any alderman, justice of the peace, or judge, to bind over, or commit any such person in the usual manner.

SECT. v. *And be it further enacted by the authority aforesaid,* That if at the time appointed for the first hearing of the said petitioner and his creditors, neither any creditor nor the agent or attorney of any creditor shall attend, the due service of the notices as before provided, being first proved, it shall be the duty of the said commissioners to examine the said petitioner, and such other persons as may be deemed necessary either at that time or at any other time, not more distant than ten days from the time of the first hearing, on oath or affirmation, touching the situation and transactions of the petitioner, and if it shall appear, to the satisfaction of the said commissioners, that the said petitioner hath not done, committed, or been guilty of any of the acts or things enumerated under the six specifications in the third section of this act contained, then the said commissioners shall appoint like assignees, whose powers, duties, and rights shall be the same as those of the assignees mentioned in the second section of this act, and such further proceedings shall in all things be had as in the said second section is provided. But if on the contrary it shall appear to the satisfaction of the said commissioners, that the said petitioner hath done, committed, or been guilty of any one of the said acts or things enumerated under the six specifications as aforesaid, then the said commissioners shall appoint like assignees, whose powers, duties and rights shall be the same as those of the assignees mentioned in the second section of this act; and such further proceedings shall in all things be had as in the fourth section of this act is provided; and if at the time appointed for the first hearing as aforesaid, any creditor or creditors, or the agent or attorney of any creditor or creditors, shall attend, and shall upon the said first examination be satisfied that the said petitioner is entitled to the benefit of this act, and if neither any creditor nor the agent or attorney of any creditor shall request such second examination as is provided for in the second section of this act, then and in such case the said commissioners shall proceed to appoint like assignees, nominated as aforesaid, whose powers, duties and rights, shall be the same as those of the assignees mentioned in the second section of this act, and such further proceedings shall in all things be had as in the said second section of this act is provided, and in every of the cases provided for in this section, the powers and functions of the curators shall, immediately from and after the appointment of the assignees, cease and determine, in like manner as is provided by the second section of this act.

SECT. VI. *And be it further enacted by the authority aforesaid,* That if in any action that shall be brought in any court of record within this commonwealth, against any such petitioner, or his or her

1812.

Shall be held in recognizance.

Or committed to gaol.

Proceedings where none of the creditors attend.

And the petitioner's conduct is without fraud.

Where it is objectionable.

If any creditor should attend, he may object, &c.

Of assignees.

Curators.

Certificate may be set aside within 6 years, &c.

1812.

heirs, executors, or assigns, within six years after the date of such petitioner's certificate, it shall be found by the opinion of the court and the verdict of a jury, that the said petitioner had before the date of such certificate, done, committed, or been guilty of any of the acts or things enumerated under the six specifications in the third section of this act contained, or hath at any time since the time of presenting his petition, received and retained any debt due to him or her before the time of presenting his or her said petition, then from and after the date of the judgment in such action, or of the affirmance of such judgment, if such judgment shall not in the first instance have been acquiesced in, the said certificate shall be deemed to have been fraudulent, and shall from thenceforth be utterly void and of no effect; and the statute of limitations as to personal contracts, shall not be construed to run, or to have run in favour of such petitioner during the time in which he was protected by such fraudulent certificate; and the judges of the said court before whom such action was tried, shall, at the request of the plaintiff, certify that the facts found by the jury were sufficient to avoid the said petitioner's certificate, which certificate given by the said judge or judges, shall be filed in the prothonotary's office in which the said insolvent's certificate remains of record; and the said prothonotary shall thereupon enter on the margin of the recorded insolvent's certificate, the words "fraudulent and void."

SECT. VII. *And be it further enacted by the authority aforesaid,* That any creditor, or the agent or attorney of any creditor, at any examination of the said petitioner, shall have a right to require the said commissioners to reduce to writing any question or questions that may be put to the said petitioner, and the said petitioner's answer or answers thereto, which said question or questions, together with the answer or answers, shall be signed by the said petitioner and certified by the said commissioners under their hands and seals, and the same, together with all documents exhibited upon the examination of the said petitioner, except such as it may be deemed necessary to deliver to the assignees or to other persons interested in the same, together with a true account of all the proceedings, shall be, by the said commissioners, immediately after the final decision of the said petitioner's case, deposited with the said prothonotary of the Supreme Court, there to remain of record.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That if such petitioner shall conceive that the said commissioners in any case shall have unjustly refused to grant the certificate herein before mentioned, the said petitioner shall have a right to appeal to the Supreme Court of the eastern district, which appeal shall be entered on the docket of the said court, and the said court shall, on motion (on legal proof of due notice having been given to the said commissioners of the time when such motion would be made,) appoint, at their discretion, three arbitrators, whose duty it shall be to examine and report whether the said petitioner is justly entitled to a certificate according to the provisions of this act, and the said referees shall have the same powers and authority to examine the said petitioner and every other person or persons, under oath or affirmation, to compel the attendance of witnesses, and to compel answers

Proceedings
to be had re-
specting.

Statute of Li-
mitations not
to run. &c.

Judges to
certify the
facts, &c.

Certificate
to be filed.

Entry on cer-
tificate.

Questions,
&c. to be re-
duced to
writing.

Documents
to be deposited
with the
prothonota-
ry.

Petitioner
may appeal
to the Su-
preme Court.

Appeal to be
entered.

Arbitrators
to be ap-
pointed.
Powers of.

to all legal questions as is given to the said commissioners, in and by the second section of this act. And upon the report of the said referees, the said court if they approve thereof, shall order and adjudge that the said certificate be allowed or the appeal be dismissed agreeably to the said report: *Provided always*, That any certificate, obtained by virtue of this section, shall be liable to the provisions of the sixth section of this act, the report of the said referees, and the proceedings of the court thereon as aforesaid to the contrary notwithstanding.

1812.

Report of, to be final.

Proviso.

SECT. IX. *And be it further enacted by the authority aforesaid*, That a majority of the said commissioners, or of the curators, arbitrators or assignees, mentioned in any part of this act, shall in all cases, have full power to act, and the act or acts of such majority, shall be in all cases valid and binding; and if any of the said commissioners, curators, assignees or arbitrators, shall refuse to serve, or shall die, or be rendered incapable to serve, the vacancy shall be supplied in the same manner in which the original appointment or nomination was made; and any of the said commissioners may be removed by the governor for misbehaviour, and the said commissioners, on complaint of any person whom it may concern, and good cause shewn, shall have power to displace any of the said curators, or assignees, and to appoint others in their stead, in the same manner in which the original appointment may have been made; and in case of the refusal of any of the said curators or assignees to exhibit their accounts, or to deliver up all the books, papers, documents, and securities, relating to the estate of the said petitioner, and also all the monies and effects that may have come to their hands by virtue of their trust, and in such case the said commissioners are hereby empowered and required to issue an attachment against the said curator or assignee, to bring him before the said commissioners, and commit him, if necessary, to the common gaol, until he has complied with the provisions of this act, or is otherwise discharged according to law.

Majority may act.

How vacancies are to be supplied.

Commissioners may be removed.

And others appointed.

Attachments to be issued against curators, &c. for refusing to exhibit their accounts, &c.

And committed.

SECT. X. *And be it further enacted by the authority aforesaid*, That if any debtor, being a merchant, trader, or person using commerce, or exercising the occupation of buying and selling, or of a factor or commission merchant, shall fraudulently confess, or cause to be obtained, any judgment, or shall fraudulently cause, or suffer his or her lands, tenements, goods or chattels, to be levied upon, to defeat or delay his or her creditors; or to secure or satisfy any one creditor in preference to, or to the injury of his or her other creditors; or shall depart from his or her dwelling house with intent to avoid his or her creditors, or being within his or her house, shall cause him or herself to be denied in order to avoid his or her creditors; or shall suffer any two promissory notes, drawn payable without defalcation, and endorsed to and held by different persons or bodies corporate, of or on which notes the said debtor shall be drawer or endorser to remain protested and unpaid for the space of thirty days; or shall suffer any execution on any judgment, to the amount of two hundred dollars, to be returned nulla bona; or shall buy goods, wares or merchandize upon a credit, and afterwards sell or dispose of the same or a greater part thereof, for a less price than he or she

What shall constitute insolvency.

1812.

Creditors
may apply to
the commis-
sioners.

Affidavit to
be made.

Commission-
ers to issue
a warrant.

Debtor to be
brought
forth.

And examin-
ed.

On oath or
affirmation.

Proceedings
on refusal,
&c.

When debtor
swears to his
solvency.

Penalty on
swearing
falsely.

Assignees to
take an oath,
&c.

Debtors es-
tate vested
in them.

Powers of.

contracted to pay for them, in order and with intent by such purchase and sale, or purchase and disposition, to pay or satisfy any creditor other than the person from whom such purchase was made; then it shall and may be lawful for any three creditors of such debtor, whose debts shall together amount to one thousand dollars, to apply to the said commissioners, and upon one of the said creditors making affidavit of the facts upon which the said application is founded, and all of them making affidavit of their belief that the said debtor is insolvent, it shall be the duty of the said commissioners to issue a warrant under their hands and seals, requiring the sheriff, or other proper officer, to bring the said debtor before the said commissioners forthwith, to answer such questions as may be asked of him or her touching his or her solvency. And upon such debtor appearing before the said commissioners, the said commissioners, or the said creditors, or any other creditors who may attend, may proceed to ask such questions of the said debtor as may tend to disclose the situation of the said debtor as far as regards his or her solvency, which questions the said debtor shall be compelled to answer on oath or affirmation, according to the best of his or her knowledge and belief; and if the said debtor shall refuse to answer such questions, or shall not either satisfy the said commissioners of his or her solvency, or shall not swear or affirm that to the best of his or her knowledge and belief, he or she is solvent, the said commissioners shall proceed to appoint curators; and such further proceedings shall be had in all things as if the said debtor had voluntarily petitioned according to the provisions of the second section of this act. But if the said debtor shall swear or affirm, that to the best of his or her knowledge and belief, he or she is then solvent, the said oath or affirmation shall be reduced to writing, signed, certified, and recorded in like manner as in the case provided for in the seventh section of this act; and the said commissioners shall then proceed no further in the case; but if the said debtor shall at any time afterwards, apply for the benefit of this act, and if upon his or her examination, or in the investigation of his or her affairs, it shall appear that the said debtor must have known himself or herself to have been insolvent at the time at which he or she shall have been sworn or affirmed to the contrary thereof as aforesaid, then such person shall not receive any such certificate as is herein before provided, and shall moreover be, by the commissioners to whom he or she shall apply for the benefit of this act, bound over to answer for the crime of perjury, in like manner as is provided in the fourth section of this act.

SECT. XI. *And be it further enacted by the authority aforesaid,* That the assignees appointed by virtue of this act, shall, before they enter upon the execution of the trust hereby reposed in them, take an oath or affirmation, to be administered by the said commissioners, honestly and truly, to the best of their knowledge and ability, to observe and perform the duties enjoined upon them by this act; and the said assignees are hereby declared to be vested with all the estate, real, personal and mixed, of the said petitioner, or which was of the said petitioner at the time of presenting his or her petition; and they shall have power and authority to dispose of and convert the same into money, to execute deeds for real estate, redeem mortgages,

and conditional contracts, satisfy all judgments, bring and maintain such real or personal actions as shall be necessary and expedient for the complete execution of their trust; to refer to arbitration, settle and compound, or agree with any person indebted to the said petitioner, in such manner as may appear most advantageous to the creditors of the said petitioner.

1812.

SECT. XII. *And be it further enacted by the authority aforesaid,* That the assignees shall forthwith, after such assignment, cause due notice thereof to be given, and shall in such notice, require all the creditors of the petitioner to appear, by themselves or agent, at a time and place therein to be specified, to prove their debts; and any creditor shall, if required, be allowed to prove his debt by oath or affirmation, taken before, and duly certified by any judge or alderman, or justice of the peace, or notary public within this commonwealth, or in any other legal manner; and in case of any controversy relating to such debts, it shall be determined by three arbitrators, to be mutually chosen by the assignees, and the creditor, or in manner following, that is to say, the said commissioners shall furnish a list of the names of nine persons, not creditors of the petitioner, and the said assignees shall strike out of the said list, three, and the creditor whose debt is in controversy, shall strike out other three of the said names, and the remaining three persons shall finally determine and settle the said controversy; and if the said assignees or any of the said creditors, shall neglect or refuse to strike out three persons as aforesaid, the said commissioners shall strike out as aforesaid for the said creditor or assignees, so refusing or neglecting; and in case of the refusal of all or any of the persons so appointed to be arbitrators, or of their or any of their inability to serve in a reasonable time, a new choice shall be again made, in the same manner, in the room of the person or persons so refusing or neglecting.

Notice of assignment to be given.

Creditors to prove their debts.

Arbitrators to be chosen when debts are disputed.

In what manner.

Vacancies how supplied.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That all persons who have given credit to such petitioner, on a valuable consideration for any sum of money, or other matter, promise, contract or thing, which is or shall not be due or payable, or liable to be exacted or performed, at or before the time of presenting the petition, shall and may be admitted and considered as creditors whose debts are then due, and shall receive a dividend, or be considered as having a claim to a dividend, if such debt or contract be contingent in the same proportion as the other creditors, deducting therefrom only a rebate of interest, at the rate of six per centum per annum, for what shall be received on such debts, (unless such debts shall be payable with interest,) to be computed from the actual payment thereof to the time when they would have become due; and when it shall appear that there hath been a mutual credit given by the said petitioner and any other person, or that mutual debts or demands were subsisting between them before such petition was presented, the one debt may be set off against the other, and the balance due on either side after such set-off, and no more, shall be claimed or paid.

Debts incurred before, but not due till after petitioning, to be allowed, &c.

And paid as other debts.

Interest to be deducted.

Set off allowed! First dividend.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That within three months of the time of their appointment the said assignees shall cause public notice to be given of the time and place

Commissioners to attend.

Accounts to be exhibited

1812.

by the assignees.

May be examined on oath, &c.

Commissioners to audit the accounts, &c.

Creditors may at this time prove their accounts.

Costs, &c. to be first paid. Dividend to be made.

Second dividend when to be made.

Debts may be proved before.

Commissioners to audit, &c.

Second dividend to be final, &c.

Of contingent claims.

Overplus to be returned to the petitioner.

Allowance to be made to the petitioner.

Not to exceed ten per cent.

at which they intend to meet to make a dividend of all the funds of the said petitioner's estate, so far as the same may have been realized, which time so to be appointed, shall be within three months from the date of the said notice, at which time and place the said commissioners shall also attend, and the said assignees shall then and there exhibit all their accounts, and reasonable allowance shall be made to the said assignees for their services; and the said assignees or any of them, shall, if required, be examined on oath or affirmation, to be administered by the said commissioners touching the truth of the said accounts; and the said commissioners shall audit the same and certify the sum to be allowed to the said assignees; and at the said time and place the creditors of the said insolvent, who shall not before have proved their debts, shall then be allowed to prove the same, and all costs, fees, and charges arising out of the proceedings under this act, shall be first paid, and the residue shall be divided amongst the creditors, in proportion to their respective claims; in which dividend so to be made, no preference shall be given to debts due by specialty or otherwise.

SECT. XV. *And be it further enacted by the authority aforesaid,* That within twelve months next after making the dividend aforesaid, the said assignees shall make a second dividend of the estate of the said petitioner, in case the same shall not have been wholly divided at the first dividend, and shall cause like notice to be given, and creditors who have not theretofore proved their debts may then prove the same; and the said assignees shall in manner aforesaid, exhibit their accounts, and if required, be examined as aforesaid, and in case of dispute between the said assignees and the creditors, the commissioners are hereby required to adjust the same, and the nett proceeds shall be then divided among the creditors, allowing to the creditors who have not proved their debts at the former meeting of the said assignees, their just proportion thereof; and the second dividend shall be final, unless any suit at law or equity be depending relative to the estate of the said petitioner, or unless some other estate or effects should thereafter vest in, or come to the hands of the said assignees, or unless some money or effects should remain in their hands to answer to some contingent claim, in any of which cases the said assignees shall, as soon as conveniently may be, settle the said contingent claims, convert the said estate or effects into money, and within two months thereafter, divide the same among the creditors aforesaid; and if any overplus shall remain after the payment of all the creditors, and all the fees and expenses arising out of the proceedings under this act, the said assignees shall pay over the same to the said petitioner, or to his or her legal representatives.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That in all cases wherein any petitioner shall have complied with the provisions of this act, and shall have received a certificate as aforesaid, two-thirds in number and value of the creditors of the said petitioner, who shall have proved their debts, may make such reasonable allowance to the said petitioner out of the estate and effects assigned, as the circumstances of the case may appear to them to warrant: *Provided,* That such allowance shall not exceed ten per centum on the nett produce of the said estate and effects: *Provided*

also, That no such allowance shall be made in cases wherein any petitioner shall have made any partial or conditional assignment, with intent to prefer any creditor or creditors, in exclusion, and to the damage of his or her other creditors. 1812.
Proviso.

SECT. XVII. *And be it further enacted by the authority aforesaid,* That the said commissioners shall severally have and receive the following fees, to wit: For receiving any petition and directing the assignment, fifty cents, to be paid in the first instance by the petitioner; for his attendance at any meeting of the creditors, fifty cents; for examining the said petitioner and others in case neither any creditor nor the agent of any creditor shall attend, as is provided for in the fifth section of this act, fifty cents; for deciding on the propriety of granting or refusing the petitioner's certificate, fifty cents; and the following sums for the following services shall be paid and allowed to the said commissioners; for making up a record of the proceedings, and lodging it, together with all the documents, as herein before provided, with the clerk or prothonotary of the Supreme Court, one dollar; for reducing to writing and certifying any examination of the said petitioner, as by the seventh section of this act is provided, one dollar; and the said commissioners shall on no pretence whatever, receive other or greater fees than those herein provided and directed to be paid and allowed; and the services for which no fee is allowed in this section shall be performed gratis. Commissioners' fees.

SECT. XVIII. *And be it further enacted by the authority aforesaid,* That any person or persons who at any time before or after the passing of this act, shall accept, or shall have accepted any trust or trusts for the benefit of any such petitioner, or shall have in his, her or their possession, any estate, real, personal or mixed, of such petitioner, and shall not forthwith after notice of such assignment, fully discover and disclose such trust and estate to the assignees, shall forfeit the sum of one hundred dollars, and also double the value of the estate so conveyed in trust, or concealed, to be recovered with costs, by action in any court of record having cognizance thereof, in the name or names of the said assignees for the use and benefit of the creditors of the said insolvent; and in case the said assignees shall neglect or refuse to prosecute for such penalties, then any creditor of the said petitioner may, at his own risk and expense, sue for and recover the same for his own use and benefit; and the creditor who, upon the neglect and refusal of the said assignees as aforesaid, shall first sue for the same, shall be entitled to all the said penalty and penalties; and from and after the passing of this act, all conditional and partial assignments made by any person or persons, in contemplation of insolvency, with intent to defraud creditors, or with intent to prefer any creditor or creditors to the exclusion and to the damage of the other creditors, shall be utterly void and of no effect. Penalty for concealing effects of the petitioner.
How recoverable.
Assignees to prosecute, or creditors.
Partial or fraudulent assignments to be void.

SECT. XIX. *And be it further enacted by the authority aforesaid,* That if any person who shall be legally sworn or affirmed by virtue of this act shall be guilty of wilful perjury, he shall be prosecuted and punished in the same manner as persons guilty of wilful and corrupt perjury are or shall be prosecuted and punished by the laws of this commonwealth. Of perjury.

1812.

imitation
of this act.

SECT. XX. *And be it further enacted by the authority aforesaid,* That this act shall continue until the first day of April, one thousand eight hundred and fifteen, and no longer, but the same shall be always in force for the completion of any proceedings on the petition of any insolvent debtor, begun previous to the said first day of April, one thousand eight hundred and fifteen; and for the purpose of prosecuting any offence or misdemeanor the punishment of which is provided for in this act.

Passed 13th March, 1812.

CHAPTER MMMCCCLXXXVII.

An ACT to provide for the election of representatives of the people of this state, in the congress of the United States.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That for the purpose of electing representatives of the people of Pennsylvania, to serve in the house of representatives, in the congress of the United States, this state shall be divided into fifteen districts, as follow, the city of Philadelphia and the counties of Philadelphia and Delaware, shall be the first district, and shall elect four members; the counties of Chester and Montgomery, shall be the second district, and shall elect two members; the counties of Lancaster and Dauphin shall be the third district, and shall elect two members; the county of York shall be the fourth district, and shall elect one member; the counties of Cumberland, Franklin and Adams, shall be the fifth district, and shall elect two members; the counties of Bucks, Northampton and Wayne, shall be the sixth district, and shall elect two members; the counties of Berks and Schuylkill, shall be the seventh district, and shall elect one member; the counties of Bedford, Somerset and Cambria, shall be the eighth district, and shall elect one member; the counties of Mifflin, Huntingdon, Centre, Clearfield, and McKean, shall be the ninth district, and shall elect one member; the counties of Northumberland, Luzerne, Ontario, Susquehanna, Lycoming, Tioga and Potter, shall be the tenth district, and shall elect two members; the counties of Westmoreland, Indiana, Jefferson and Armstrong, shall be the eleventh district, and shall elect one member; the county of Washington, shall be the twelfth district, and shall elect one member; the counties of Fayette and Greene, shall be the thirteenth district, and shall elect one member; the counties of Allegheny and Butler, shall be the fourteenth district, and shall elect one member; and the counties of Beaver, Mercer, Crawford, Erie, Venango, and Warren, shall be the fifteenth district, and shall elect one member.

SECT. II. *And be it further enacted by the authority aforesaid,* That the election of representatives, agreeably to the constitution of the United States, and the direction of this act, shall be held by the citizens of this state, qualified to vote for members of assembly, on the second Tuesday of October next, and on the second

Common-
wealth divi-
ded into 15
con-stitu-
tional districts.First district.
Second.Third.
Fourth.Fifth.
Sixth.Seventh.
Eighth.

Ninth.

Tenth.
Eleventh.Twelfth.
Thirteenth.

Fourteenth.

Fifteenth.

Qualification
of electors.Time of elec-
tion.

Tuesday of October, every second year thereafter, until an enumeration of the inhabitants of the United States shall be taken, agreeably to the constitution and laws of the United States, at the same places respectively, in the same manner, and under the care and regulation of the same officers as is provided in and by the several acts of assembly, for the regulation of the general elections of this state; of which elections public notice shall be given by the sheriffs of the several counties, at least thirty days before the said election. 1812.

SECT. III. *And be it further enacted by the authority aforesaid,* That every person who shall be guilty of any neglect or abuse of this act, or of any of the said acts of assembly for the regulation of elections, at any election, to be held in pursuance of this act, shall be prosecuted and punished in the same manner as if guilty of the like neglect or abuse in the election of members of the legislature of this state. Notice to be given.
Penalty for a breach of this act.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the judges of the election in each county erected into a separate district, after having formed the return of the whole election in the said county, in such manner as is by law directed, shall, within six days cause said return to be deposited in the office of the prothonotary of said county, and shall also cause a duplicate thereof, signed and sealed in the same manner as the said return, under a sealed cover directed to the secretary of the commonwealth, to be placed forthwith in the nearest post-offices, or to be otherwise within twenty days, safely delivered to him, and they shall also transmit to each of the persons elected, a certificate of the returns of his election. Of returns of elections.
To be directed to the secretary of the commonwealth.

SECT. V. *And be it further enacted by the authority aforesaid,* That the judges of the elections of each of the following counties, after having formed the returns of the whole election in these counties respectively, in such manner as is by law directed, shall send the same by one or more of their number to the place hereafter mentioned within the district of which such county is a part, when the judges so met, shall compare and cast up the several returns, and shall execute under their hands and seals, one general and true return of the whole district, that is to say, the judges of the first district, composed of the city and county of Philadelphia, and the county of Delaware, shall meet at the state-house in the city of Philadelphia; the judges of the second district shall meet at the house now occupied by Joshua Evans, in Trediffin township, Chester county; the judges of the third district shall meet at the house now occupied by Michael Coble, in Elizabeth town, in the county of Lancaster; the judges of the fourth district, shall meet at the court-house in the borough of York; the judges of the fifth district shall meet at the house now occupied by Patrick Cochran, in the town of Shippensburg; the judges of the sixth district, shall meet at the court-house in the borough of Easton; the judges of the seventh district, shall meet at the house now occupied by Abraham Bailey, in the town of Hamburg, in the county of Berks; the judges of the eighth district, shall meet at the court-house in the town of Bedford; the judges of the ninth district, shall meet at the house now occupied by William McAlvey, in Huntingdon county; the judges Of returns judges.
Their duties.
And places of meeting.

1812. of the tenth district, shall meet at the house now occupied by John Jones, in the town of Berwick, in the county of Northumberland; the judges of the eleventh district, shall meet at the house now occupied by Joseph Elder, where the great road from Greensburgh to Indiana, crosses Conemaugh river, at the place commonly known by the name of Elder's ford; the judges of the twelfth district, shall meet at the court-house in the town of Washington; the judges of the thirteenth district shall meet at the house now occupied by Jeremiah Davison, Luzerne township, Fayette county; the judges of the fourteenth district, shall meet at the house now occupied by Sarah Carnahan, in Allegheny county; the judges of the fifteenth district, shall meet at the court-house in the town of Mercer, on the third Tuesday of October next, and on the third Tuesday of October, biennially thereafter, during the continuance of this act; and within the space of ten days after the said election, the judges of each respective district so convened, shall cause one copy of the said general return to be deposited in the office of the prothonotary of the county in which they meet, and a duplicate thereof signed and sealed in the same manner as the said return, under a sealed cover, directed to the secretary of the commonwealth, shall be by the said judges placed in one of the nearest post-offices or otherwise, within twenty days safely delivered to him; and they shall also within twenty days, transmit to each of the persons elected, a certificate of the returns of his election; and it shall be the duty of the governor, on the receipt of the returns transmitted to the secretary of the commonwealth, to declare by proclamation, the name or names of the person or persons to him returned as duly elected in each respective district; and he shall also as soon as conveniently may be thereafter, transmit the return so to him made, to the house of representatives in the congress of the United States.

Passed 20th March, 1812.

CHAPTER MMMCCCLXXXVIII.

An ACT authorizing the Court of Quarter Sessions of Lancaster county, to appoint viewers to view part of a certain road therein mentioned.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the Court of Quarter Sessions, of the county of Lancaster, shall be, and is hereby authorized to appoint viewers to view that part of the road laid out in pursuance of the act of March twenty-second, one thousand eight hundred and nine, which passes through the townships of Bart and Dromore, in the county of Lancaster, and to proceed therein as in common cases of views and reviews of roads; and if any alteration shall be made by such viewers or reviewers, which shall be finally confirmed by the said court and filed among the records thereof, the said road so altered, shall from*

Court to appoint viewers to view that part of the road which passes through Bart township, Lancaster county.

Viewers report, when confirmed, to be filed and remain

thenceforth be taken to be part of the road laid out by the commissioners appointed in pursuance of the said act, to lay out a road from John G. Parks' in Chester county, by McCall's ferry, on the Susquehanna to the Maryland line, in a direction towards the city of Washington; and it shall be the duty of the clerk of the said court, to transmit under his seal of office, a copy of the record of such alteration and confirmation to the secretary of the commonwealth, who shall file the same with the original return of the said commissioners.

1812.

of record,
&c.
Clerk of the
court to
transmit a
copy of the
record to the
secretary of
the common-
wealth, to be
by him filed.

Passed 20th March, 1812.

CHAPTER MMMCCCCXC.

A further SUPPLEMENT to an act, entitled "An act directing the mode of selling unseated lands for taxes."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* in all cases where a contract or contracts have been entered into, between any actual settler or settlers, residing north and west of the rivers Ohio and Allegheny, and Conewango creek, and any company or companies, person or persons, claiming land, lying as aforesaid, by warrant or otherwise, for a certain part or parts of any tract or tracts of land there situate, and where there is now no dispute between said parties or any other person relative to said contract or contracts, and where for want of the said actual settler or settlers' part or parts being run off, or otherwise, they have been compelled to pay the whole amount of tax due, on the whole of said tract or tracts, it shall be lawful for such actual settler or settlers, where one or more year's tax have been paid by said actual settler or settlers, to file a copy of his or their contract or contracts, in the office of the commissioners of the county, where the land lies, together with the deposition of the person or persons so filing said copy, attesting that it is a true copy of said contract or contracts, and that there is or are no other contract or contracts between him or them, and any of the parties aforesaid relative to the payment of said tax, which said copy shall be compared with the original by the said commissioners, it shall then be the duty of the commissioners, after having made a due estimate of the whole amount of taxes paid as aforesaid, and deducted therefrom, that part which appears in justice ought to have been paid by said settler or settlers, to proceed and sell that part of said land which appears to belong to said company or companies, person or persons, as in other cases of unseated land; unless the said taxes and all costs legally incurred, are paid by the warrantee or his assignee; and the parties shall be entitled to the same remedy, and out of the monies arising from said sale, the said commissioners shall pay and satisfy the said settler or settlers, the taxes he or they have paid thereon, with legal interest from the time of payment: *Provided always, That* none of the said land shall be sold for at least one year after the passing of this act, nor shall any of said land be

Actual settlers having contracted with warrant holders or others for lands west of the river Ohio, &c.

Authorized to file a copy of the contract in the office of the commissioners of the proper county.

Which copy to be compared with the original. Commissioners to estimate the proportion of tax, &c.

Proviso.

1812. sold where there is now a dispute relative to said land, until one year after the determination of such dispute.

Assessors to discriminate in their assessments and make return &c.

SECT. 11. *And be it further enacted by the authority aforesaid,* That in each and all cases where a contract has been made between any settler as aforesaid, and any company or companies, person or persons, claiming land lying as aforesaid, by warrant or otherwise, and where the settler's part has not yet been run off, it shall be the duty of the assessors of the respective townships, to assess and return that part only which is the property of the settler, agreeable to his contract in the name of such settler, and return the residue of said tracts of land in the name of the warrantee, if known, if not, in the name of the person claiming the land by agreement, to the commissioners of the county as unseated land, in the same manner as if the division line had been run between said parties; and it shall be the duty of the commissioners and treasurer to proceed and sell the same, as in other cases of unseated lands, for taxes: *Provided,* That nothing in this act shall be construed so as to alter any agreement heretofore made respecting the payment of taxes.

The treasurer to sell such unseated lands as in other cases.

Passed 20th March, 1812.

CHAPTER MMMCCCCXCI.

An ACT for the relief of Magdalena Ennes, widow of the late lieutenant Benjamin Ennes, who was slain in battle by the Indians, during the revolutionary war.

SECT. 1. [GRATUITY of forty dollars, and an annuity granted to Magdalena Ennes, of forty dollars, payable half yearly during life.]

Passed 20th March, 1812.

CHAPTER MMMCCCCXCII.

An ACT for the relief of the Lutheran and Calvinist congregations of Row's church, in Penn township, Northumberland county.

SECT. 1. [ELDERS of the Lutheran and Calvinist congregations, Penn township, Northumberland county, authorized to sell and convey one half of a tract of land belonging to Row's church congregation. Proceeds of sale to be appropriated to build a new or repair the old one.]

Passed 20th March, 1812.

CHAPTER MMMCCCCXCIII.

An ACT granting a sum of money to the trustees of Bedford academy, in the county of Bedford.

SECT. 1. [TWO thousand dollars granted to the trustees of Bedford academy. 2. Six poor children to be taught gratis. 3.

Accounts of the trustees to be annually exhibited to the county auditors. 4. Repeal of a former act.] 1812.

Passed 20th March, 1812.

CHAPTER MMMCCCCXCIV.

An ACT to empower the trustees of the German Calvinist congregation of Bethel Church, in Albany township, in Berks county, and the Calvinist congregation of Jacob's Church, and of the Calvinist congregation of Ebethnezer Church, in Lynn township, Northampton county, to sell and convey a tract of land therein mentioned.

SECT. 1. [FERDINAND RITTER and others authorized to sell a certain tract of land in Northampton county, belonging to two congregations, one in Berks and the other in Northampton county. Money to be appropriated to the use of said congregations.]

Passed 20th March, 1812.

CHAPTER MMMCCCCXCV.

An ACT for the relief of Philip Hornbecker, Michael M'Nulty, John M'Mullin, and James Purdy, old soldiers.

SECT. 1. [GRATUITY of forty dollars, and an annuity granted to Philip Hornbecker, of forty dollars, payable half yearly during life. 2. Ditto to Michael M'Nulty. 3. Gratuity to John M'Mullin. 4. Gratuity to William Curran.]

Passed 20th March, 1812.

CHAPTER MMMCCCCXCVI.

An ACT to regulate the taking up lumber, in the rivers Susquehanna and Lehigh, and their branches.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the first day of August next, if any logs, shingles, shingle-bolts, boards or lumber of any kind, which may have been or may be put into the river Susquehanna, or either of its branches, or into the river Lehigh or the waters running into the said river, and which may be taken up by any person or persons, either floating down the waters of either of the said rivers, it shall be the duty of the person so taking up such lumber, to lodge a list by him subscribed, within thirty days thereafter, with the nearest justice of the peace of the town or township where such lumber was taken up, of the number, quality and quantity of the logs, shingle-bolts, boards, shingles, or other lumber, with the marks on the same; and the said

Any person taking up lumber, &c. in the rivers Susquehanna Lehigh and branches thereof: shall within 30 days file a list, &c.

1812.

Justice to advertise the same for 3 weeks in a public newspaper.

Compensation to the person taking up lumber.

Provide.

Penalty for refusing to deliver up lumber, &c.

Penalty on person taking up lumber and not complying with the provisions of this act.

One moiety of the penalty to the commonwealth, the other to the prosecutor.

justice shall enter the same on his docket, and cause the same to be published at least three weeks, in one weekly newspaper of the county wherein such lumber was taken up, for which entry he shall be allowed the sum of twenty-five cents, by the owner of said lumber, if the same shall be taken by him, otherwise to be paid by the person or persons to whom said lumber shall be forfeited; and if any owner of lumber, recorded as aforesaid, or his agent, shall not take away the same within three months after such publication, all such lumber shall become forfeit to the person taking up the same.

SECT. II. *And be it further enacted by the authority aforesaid,* That any person or persons taking up and securing any logs, boards, shingle-bolts, shingles, or any other lumber, upon any of the waters aforesaid, shall be entitled to receive from the owner thereof the sum of six cents for every log, the sum of one cent for every shingle-bolt, provided the number so taken up shall exceed fifty, the sum of fifteen cents for every hundred feet of boards, the sum of six cents for every hundred of shingles; as also the costs of advertising the same, upon payment of which sum or sums, or tender of payment by the owner of such lumber, to the person or persons taking up the same, he shall forthwith deliver all such lumber to the said owner; and upon neglect or refusal to deliver the same, he shall forfeit and pay to the owner thereof treble the value of said lumber, to be recovered as debts of equal amount are by law recoverable in this commonwealth.

SECT. III. *And be it further enacted by the authority aforesaid,* That if any person or persons, taking up any logs, shingle-bolts, boards, shingles, or other lumber upon any of the waters aforesaid, shall neglect to lodge a list containing a description of such lumber, with the nearest justice of the peace, containing a description of the quantity, quality and marks of such lumber, or shall obliterate, alter or deface, any letters, figures, or other marks upon the same, or open any bundle of shingles, every person so offending, shall pay to the owner of such lumber, double the value thereof; and shall also forfeit and pay the sum of twenty dollars, the one half to the use of this commonwealth, and the other half to the use of the person who shall sue for the same, to be recovered in the same manner as debts of equal amount are or shall be by law recoverable.

Passed 20th March, 1812.

CHAPTER MMMCCCCXCVII.

An ACT authorizing and empowering George Feidt, to execute a title to Michael Shadel, for a certain real estate therein mentioned.

SECT. 1. [GEORGE FEIDT authorized to sell a tract of land in Dauphin county, and appropriate the money as shall be directed by the Lutheran congregation in Upper Paxton township, Dauphin county.]

Passed 20th March, 1812.

CHAPTER MMMCCCCXCVIII.

1812.

An ACT appointing commissioners for the purpose of taking care of the public property at Erie and Waterford, and for other purposes.

WHEREAS by an act passed the eighteenth day of April, one thousand seven hundred and ninety-five, to provide for laying out and establishing town and out-lots within the several reserved tracts of land heretofore reserved for public uses at Presque Isle, and the commissioners under said law did survey and lay out one tract of sixty acres, on the southern side of the harbour of Presque Isle, for the accommodation and use of the United States, so long as they would actually maintain a fort or some military establishment thereon, and no longer; and whereas, another tract of forty-four acres and one hundred and twenty-nine perches, was also surveyed and laid out by said commissioners, for the purpose of erecting mills thereon, and reserved by said law for the use of this state; and the United States did erect a garrison and other buildings on the first mentioned tract, also a saw-mill and store-house on the mill tract reserved by the state, as well as a block-house and barracks on the public lots at the town of Waterford; and whereas, the United States have long since ceased to maintain a garrison at Presque Isle, and have also vacated all the buildings and premises aforesaid, and the same are fast going to ruin, no person being authorized to take charge of the same, in order to preserve such buildings as remain on said tracts and lots, and that no damage shall in future be sustained by reason of any person committing trespasses or otherwise damaging the same: Therefore,

SECT. I. Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That Thomas Wilson, John Boyd, and John Lytle of Erie county, are hereby appointed commissioners to take charge of said tracts of land, and lots, together with all buildings and improvements thereon erected, and they or any two of them are hereby authorized to lease the whole or any part of said premises in behalf of this commonwealth, and receive the rents for the same, and they are also authorized to bring suits for the recovery of said rents, and to sue every person or persons trespassing, carrying away, or otherwise injuring the property or buildings, in the same manner that trespassors or felons are sued or prosecuted under the laws of this commonwealth: *Provided nevertheless*, That any and every lease that may be given as aforesaid shall be relinquished at any time that the same may be wanted, for the use of the United States or any other public use, or otherwise appropriated by directions of the legislature.

Thomas Wilson and others appointed commissioners to take charge of certain land, &c.

Proviso.

SECT. II. And be it further enacted by the authority aforesaid, That all rents to be recovered by said commissioners on account of said premises, shall be paid to the treasurer of Erie county, and appropriated to the use of the said county of Erie; and the said commissioners shall receive a reasonable compensation for services

Rents to be paid to the treasurer of Erie county for the use thereof.

1812. they may perform in executing said commission, out of the county stock.

Passed 20th March, 1812.

CHAPTER MMMCCCCXCIX.

A SUPPLEMENT to an act, entitled "An act taxing certain offices."

Prothonotary of the district court of the city and county of Philadelphia, construed to be within the provisions of the act, &c.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the first day of May next, the office of the prothonotary of the district court, of the city and county of Philadelphia, shall be deemed, taken, and construed to be within the provisions of the act, to which this act is a supplement, and the prothonotary of the said court, subject to the provisions and penalties of the said act, as fully and effectually, as if the said officer and office, were mentioned in the said act.

Passed 20th March, 1812.

CHAPTER MMMD.

An ACT to annex part of Northumberland county to the county of Mifflin.

Part of Northumberland county annexed to Mifflin county.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* all that part of Northumberland county, in Beaver-dam township, lying westward of a line, to begin at the south-east corner of Centre county on the top of Jack's mountain, on the line between Northumberland and Centre at or near Wildcat-gap, and running across the said township to a gap in Shade mountain, known by the name of Creb's gap, so as to include John Ritter's tavern, shall from and after the passing of this act, be annexed to the county of Mifflin; and the electors thereof shall hold their general elections with the township of Derry, in the borough of Lewistown.

SECT. II. *And be it further enacted by the authority aforesaid, That* one of the county commissioners of the county of Mifflin, and one of the county commissioners of the county of Northumberland, shall meet on the fourth Monday of May next, and employ a skilful surveyor to run and mark in a plain manner, a line under their direction, agreeably to the provisions of this act; and it shall be the duty of the said commissioners to make report of the course and distance of the said line to the Court of Quarter Sessions of their respective counties, there to remain of record as the established line between said counties; and the expenses necessary in running and marking said line, shall be paid out of the treasury of Mifflin

county, upon a warrant or warrants, to be drawn by the commissioners of said county.

1812.

SECT. III. *And be it further enacted by the authority aforesaid, That no action or suit that has been or may be commenced in the county court of Northumberland, before the fourth Monday of May next, against any person living or residing within the lines by this law annexed to the county of Mifflin, shall be stayed, discontinued, or affected by this act, but the same may be prosecuted to the final issue, in the same manner as if this act had not passed, and all taxes laid by the commissioners of Northumberland county on the persons or property included within the said lines prior to the passing of this act, shall be collected and paid into the treasury of Northumberland county.*

Passed 20th March, 1812.

CHAPTER MMMDII.

An ACT to alter the time of holding certain courts in Washington county.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, the term of the Courts of Common Pleas, and Quarter Sessions, and Orphans' Courts, in and for the county of Washington, which were heretofore held in the month of July, shall commence on the third Monday in June, any law to the contrary notwithstanding; *Provided always, That nothing in this act shall be so construed as to affect or change the time of holding any court or courts in any other county within the same judicial district.*

Time of holding courts of Quarter Sessions, &c. in Washington county, changed.

Passed 20th March, 1812.

CHAPTER MMMDIII.

An ACT to annul the marriage of Benjamin Harrisson and Margaret his wife.

SECT. 1. [B. HARRISSON and Margaret his wife, absolved from the marriage contract, but the children not to be affected as to legitimacy.]

Passed 24th March, 1812.

CHAPTER MMMDIV.

An ACT to change the name of Jesse Homer, to that of Jesse Henderson Jones.

Passed 24th March, 1812.—Private act.

1812.

CHAPTER MMMDVI.

An ACT authorizing the governor to purchase from Farrand, Hopkins, Zantzinger, and Company, five hundred copies of Purdon's abridgment of the laws of Pennsylvania, and to provide for the distribution thereof.

SECT. 1. [GOVERNOR authorized to purchase five hundred copies of Purdon's abridgment, and conditions thereof. 2. Distribution of. No person to have more than one copy, &c. and the remainder on hand shall be retained in the office of the secretary of the commonwealth, subject to the future disposition of the legislature.]

Passed 24th March, 1812.

CHAPTER MMMDVII.

An ACT authorizing the commissioners of the county of Philadelphia, to erect fire-proof offices in the city of Philadelphia, and for other purposes therein mentioned.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the commissioners of the county of Philadelphia, be, and they are hereby authorized to occupy the east and west wings of the state house, in the city of Philadelphia, for the accommodation of the public offices of the said city and county; and in order that the same may be better adapted to the uses aforesaid, the said commissioners are hereby empowered to alter and improve the said wings in such manner as they with the approbation of the governor may think proper, and convert the same into fire proof buildings, or if found most convenient to rebuild the same upon a more extended plan: Provided, That no building shall be extended further southward than the present wall of the main building of the said state house, nor nearer to the city and county court-house than the buildings now are, and shall not injure or incommode the same; and also that a fire proof, and one other suitable portion of the said buildings, shall be appropriated exclusively to the safe-keeping of the records of the office of the prothonotary of the Supreme Court for the eastern district, and for the use of the said prothonotary: And provided also, That the title in fee simple to the lot on which said offices may stand, be reserved to the commonwealth.*

Wings of the state house may be used as offices.

May be altered by the commission-ers.

And made fire proof. Extended. Proviso.

Part of, to be an office for the prothonotary of Supreme Court.

Proviso respecting the title.

Plans, drafts, &c. relating to the city and county to be delivered up.

SECT. 11. *And be it further enacted by the authority aforesaid, That the secretary of this commonwealth, the surveyor-general and the secretary of the land office, or a majority of them, be, and they are hereby authorized and required to deliver to the commissioners of the county of Philadelphia, on the application of such person as may be by them appointed for that purpose, all plans, drafts, and other documents now deposited in the land-office, and other public offices of this state which in their opinion do not properly belong to the said land-office or other public offices, but to the city and county of Philadelphia.*

SECT. III. *And be it further enacted by the authority aforesaid, 1812.* That the said plans, drafts, or other documents, shall be considered as matter of record, wherever the same shall henceforth be deposited, by the authority of the commissioners in the same manner as if the same had remained in the said offices; and all exemplifications made therefrom, shall have the same force and effect in courts of justice or elsewhere, as if the originals had not been removed.

Said plans, &c. to be considered as of record. Exemplifications from, to be evidence.

Passed 24th March, 1812.

CHAPTER MMMDVIII.

An ACT to incorporate the township of Moyamensing, in Philadelphia county.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the inhabitants of the township of Moyamensing, in the county of Philadelphia, be, and they and their successors forever, are hereby constituted a corporation and body politic, in fact and in law, by the name and style of "The commissioners and inhabitants of the township of Moyamensing," with all the powers, rights, and capacities, incident to such a corporation, as fully and effectually as if every thing were herein at length set forth; and they shall be able and capable in law, to sue and be sued, answer and be answered, defend and be defended, in all suits, actions, pleas, or causes whatsoever, and to do all and singular what to them as a body politic and corporate in law shall appertain: *Provided, That* no sale of real estate now vested in, or for the use of the people of said township, shall be made by the said corporation: *And also, That* no part of the real estate of the same shall be mortgaged or encumbered for any sum exceeding the amount of three years taxes, and that no sale nor purchase, nor mortgage of any real estate be made or given by the said corporation, or money borrowed by the same without the concurrence of six of the said commissioners, but for all other purposes a majority of said corporation shall be a quorum: *Provided further, That* the said commissioners shall have and use one common seal, and the same at their will and pleasure, change and alter; and that no pecuniary compensation shall be received by said commissioners for their services in said township of Moyamensing.

Inhabitants of Moyamensing constituted a body politic.

Style of. Powers and privileges.

Certain real estate not to be sold by. Nor to be mortgaged beyond a certain amount. No money, &c. to be borrowed without the concurrence of six commissioners. Corporation to have a seal. Commissioners to receive no compensation.

SECT. II. *And be it further enacted by the authority aforesaid, That* the citizens qualified to vote for members of the general assembly, shall, at the first election to be held in pursuance of this act, meet at the house now occupied by William Daily, in south Sixth street, in said township, and afterwards at such other place as shall be appointed from time to time by the commissioners; that the acting constable shall cause written or printed notices to be put up in at least ten of the most public places in said township, at least ten days previous to the third Friday in March, one thousand eight hundred and thirteen, and every year for ever thereafter shall give at least ten days previous notice as aforesaid, before the third Fri-

Of elections.

When and where to be held.

Notice to be given.

1812. day in each and every year; and at each and every time to mention where, and the time when, the said election is to be held, the number of persons to be elected for commissioners, one town clerk, and four persons for constables: which said election shall be opened between the hours of ten and twelve o'clock in the forenoon on the third Friday, aforesaid, and to be kept open until nine o'clock P. M. of the same day, and then and there in the forenoon, choose two respectable citizens of said township to be judges of said election, who shall choose two persons as clerks, and who together shall be sworn or affirmed before a justice of the peace to conduct the said election according to the election laws of this commonwealth; and the said clerks shall record the names of the voters, and cast up the number of votes given for each and every person, and when each election is held and closed, and the number of votes ascertained for the nine commissioners elect, town clerks and constables: *Provided*, That no person shall be excluded from the choice of the people on account of his having before filled the said office of commissioner, town clerk and constable, any law to the contrary notwithstanding, and that in all cases wherein the number of votes shall be equal, for two or more candidates, the preference shall be decided by lot, to be drawn by the said judges of election, and they shall return the three persons who have the first greatest number of votes to be commissioners for three years then next following, and the three persons having the second greatest number of votes shall be commissioners for two years, and the three persons having the third and last greatest number of votes, shall be commissioners one year then next following; and on the third Friday of March, in the year one thousand eight hundred and thirteen, and so on the third Friday in March, annually, forever, three persons shall be chosen commissioners for three years; and the said judges shall prepare under their hands and seals, a return of the commissioners elect, within four days after the election, in writing, and at or after each succeeding election, to the commissioners in office, and shall also deliver into the office of the clerk of the Court of Quarter Sessions, within ten days after each election, a certificate of the person elected for town clerk, to serve one year ensuing, and four persons elected for constables, two of which are to be appointed by the said court, and sworn or affirmed at the usual time provided by law: *Provided*, That the said judges shall cause the said town clerk and persons for constables elect, to have notice given them of their being elected for the said township: *And provided also*, That the election in one thousand eight hundred and twelve, be held on the first Friday in April, in the same place, in the same manner, subject to the same regulations and notifications as are above.

SECT. III. And be it further enacted by the authority aforesaid, That the nine persons who shall at the next election, to be held in pursuance of this act, have the highest number of votes for the office of commissioners, shall meet together at the house where the regulators of the northern district of the said township now meet, between the hours of two and four of the clock in the afternoon of the first Monday in April, next following the said election, and that the three persons who shall at every subsequent election have the

Officers to be elected.

Names of voters to be recorded.

Certain officers may be by the same person for any length of time. When two are equal in vote, &c. Of commissioners.

Returns of election to be made.

Certificate of elections to be delivered to the clerk of the sessions.

Persons elected to have notice.

When the first election in 1812 to be held.

When the commissioners shall meet.

highest number of votes for the said office of commissioners, together with the six commissioners whose time shall not have expired, shall meet together at such place as shall be legally appointed, between the hours of two and four in the afternoon, on the first Monday of April next following each and every election, to be held in pursuance of this act; and shall then and there receive the said returns of commissioners elect, and shall forthwith proceed to examine the same, and to judge and determine thereon; and for that purpose the said commissioners so met, or a majority of them, shall be judges of the said election, and shall have full power and authority to approve thereof, or to set aside the same, and to order new elections as the law may require, to be held in the manner herein before directed, and at such times as shall be by them appointed, of which they shall give at least six days previous notice, by hand-bills posted up in at least ten of the most public places within said township.

1812.

Who shall be judges of elections.

Notice to be given of setting aside elections.

SECT. IV. *And be it further enacted by the authority aforesaid,* That in case one or more vacancies shall happen by death, removal or otherwise, a majority of the board of commissioners may appoint special elections for supplying such vacancies, and for that purpose a writ under the hand of their president, and seal of the corporation, shall issue, directed to the proper officers; and every special election shall be held and conducted, and the proper return thereof made in manner and form as is herein before directed for the general election; and the persons so legally chosen shall be commissioners for the remainder of the time that the commissioners in whose places they were elected had been elected for.

How vacancies are to be supplied.

SECT. V. *And be it further enacted by the authority aforesaid,* That each and every commissioner who shall be elected and returned, and whose election shall be approved in manner aforesaid, shall, before he enters on the execution of his said office, be sworn or affirmed before some justice of the peace of the county, well and faithfully to execute the office of commissioner of the said township, and shall thereupon, without any further or other commission, enter upon the duties thereof, and shall hold and exercise the same for the term for which he shall have been elected as aforesaid.

Commissioners to take the oaths, &c.

SECT. VI. *And be it further enacted by the authority aforesaid,* That if any commissioner of the said township shall misbehave in his said office, or shall fail or neglect well and faithfully to discharge the duties thereof, it shall and may be lawful for any number not less than six of the said commissioners, on the petition and complaint in writing of twenty electors of the said township, ten of whom at least shall be freeholders, to remove in a summary way any such commissioner from his said office: *Provided nevertheless,* That the said petition and complaint in writing, shall fully and minutely state all the causes assigned for such removal, and no other cause whatever shall be assigned for such removal, and no other cause whatever shall be assigned, heard or inquired into; and *provided also,* That a copy of the said petition and complaint, with a notice of the time and place appointed for hearing and inquiring into the same, shall be served on such commissioner, at least ten days before any such hearing or inquiring shall be made.

How commissioners may be removed.

Petition for, to set out the cause of complaint.

Notice to be served on the commissioner.

1812.

Commissioners may make by-laws.

And fix salaries.

Regulate streets and alleys.

Jurisdiction of the Quarter Sessions of Philadelphia county to extend, &c.

Penalty not to exceed 50 dollars.

Appeal given.

Laws to be published.

And recorded.

Fees for recording.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the commissioners when assembled together for that purpose, shall have full power and authority to make, ordain, constitute, and establish such and so many laws, ordinances, regulations and constitutions, not inconsistent with the constitution and laws of this commonwealth, as shall be necessary and convenient for the purpose of fixing the compensations of the officer or officers appointed by the said commissioners, to be sworn or affirmed, and under such pay for their respective services as they shall deem proper, and to have power and authority for preventing and removing nuisances therein, in the streets, roads, lanes, alleys, lot, lots, or elsewhere, and directing, appointing and regulating, repairing and cleansing, the said streets, roads, lanes and alleys, laid out before the passing of this act, or may hereafter be laid out; and the same to enforce, put in use and execution, by the proper officers, under such penalties as they may prescribe, and at their pleasure to revoke, alter, and make anew.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the Court of General Quarter Sessions of the Peace for the county of Philadelphia, shall have, and they are hereby invested with full power and authority to inquire of, hear, try, and determine all offences which shall be committed within the said township contrary to this act, or against any of the laws, ordinances or regulations that shall be made, ordained or established, in pursuance of this act, and to punish the offender or offenders, as by the said laws, ordinances or regulations, shall be prescribed or directed, except where the fines, penalties, or forfeitures shall not exceed the sum of fifty dollars, which shall be recoverable before any justice of the peace of the county: *Provided always,* That if any person or persons shall think him, her, or themselves aggrieved by any judgment to be given as aforesaid, it shall and may be lawful for such person or persons, at any time within the space of twenty days next following the date of such judgment, to appeal therefrom to the next Court of Common Pleas, or Quarter Sessions of the county of Philadelphia, he, she or they first entering into recognizance with at least one sufficient security, in the sum of one hundred dollars, to prosecute the said appeal with effect, and to abide the order or judgment of the court; or in default thereof to be sent by mittimus to the sheriff of the county, by him to be kept until he, she or they, perform the judgment of the court, or be otherwise legally discharged.

SECT. IX. *And be it further enacted by the authority aforesaid,* That such and so many of the said laws, ordinances and regulations, as shall not be published in one or more of the daily newspapers, published in the said township, or in the city of Philadelphia, and in hand-bills, and posted up in not less than ten of the most public places in the township aforesaid, within ten days from and after their being severally passed, ordained and established, and also recorded in the office of the recorder of deeds for the county of Philadelphia, who shall be allowed and paid for recording thereof, at the same rate as is allowed for recording of deeds, within

thirty days from and after their being so as aforesaid passed, or- 1812.
dained and established, shall be null and void.

SECT. X. *And be it further enacted by the authority aforesaid,* Publication of the laws to be proven.
That before any of the said laws, ordinances and regulations, shall be so as aforesaid recorded, the publication thereof respectively shall be proved by the oath or affirmation of some credible person, which oath or affirmation shall be recorded therewith, and at all times be deemed and taken as sufficient evidence of the time of such publications.

SECT. XI. *And be it further enacted by the authority aforesaid,* Of wells, sinks, &c.
That the said commissioners shall have power and authority to limit, direct, and appoint the depth of all vaults, wells and sinks, hereafter to be dug in the northern part of the township, for privies or necessities; which regulation being so made as aforesaid, shall be published and recorded, and the publication proved in the same manner, and within the same period as is herein before directed; Regulation of, to be published and recorded.
and if any person or persons shall dig, or cause to be dug any such vault, well or sink, for any privy or necessary house, of any greater depth than shall be limited or appointed as aforesaid, every person or persons so offending, and being thereof legally convicted before any justice of the peace of the county, shall forfeit and pay any sum not exceeding fifty dollars; and the said vaults, wells or sinks, shall be filled up at the expense of the owners, subject to the like appeals as is mentioned in the thirteenth section of this act. Penalty on offending.

SECT. XII. *And be it further enacted by the authority aforesaid,* Of foundation and party walls.
That no person or persons shall lay any foundation or party wall within the following described part of said township, that is to say, beginning at the north end of Passyunk road, and continuing on the west side thereof to Federal-street, thence westwardly along the said Federal-street on the south side thereof, to the boundary line of the said township of Passyunk, thence northwardly along the said township line to Cedar-street, thence eastward on the south side thereof to the place of beginning, before they shall have applied to the regulators appointed by the said commissioners, who are hereby required and empowered to appoint one or more discreet and skillful person or persons for that purpose.

SECT. XIII. *And be it further enacted by the authority aforesaid,* Regulators may enter on lands.
That the said regulator or regulators, upon application to him or them made, shall have full power and authority to enter upon the lands of any person or persons, in order to set out the foundations, and regulate the walls to be built between party and party, as to the breadth and thickness thereof, which foundation shall be laid equally And set out foundations.
upon the lands of the persons between whom such party walls are to be made; and the first builder shall be reimbursed one moiety of How foundations of party walls to be laid.
the charge of such party wall, or for so much thereof as the next builder shall have occasion to make use of before such next builder shall use or break into the said wall, the charge or value whereof to be reimbursed.
First builder to be reimbursed.
to be fixed by the said regulators, or by arbitrators mutually chosen. Value to be fixed.

SECT. XIV. *And be it further enacted by the authority aforesaid,* Of appeals.
That all appeals hereafter made from the order, direction, and award of the said regulators or arbitrators, shall be taken and made, and shall lie to the next Court of Common Pleas, to be holden for the

1812.

To be within
20 days.Jury to be
summoned,
&c.Penalty on
laying the
foundation
without ap-
plying to the
regulators.How recov-
erable.Appeal grant-
ed.

Proviso.

Regulators
to enter di-
rections, or-
ders, &c.Which, upon
notice, shall
be final, un-
less appealed
from.Proviso as to
feme covert's,
minors, &c.Commission-
ers may seize
goods, &c.

county of Philadelphia, within twenty days from the time of making the order, direction or award appealed from, but not afterwards, whereupon the said court upon security being entered by the party appealing, for the payment of all costs, in case he or she should not prevail in his or her appeal, shall direct a venire to the sheriff of the county, commanding him to summon a jury to try the matter in dispute, and shall proceed therein as the law directs.

SECT. XV. *And be it further enacted by the authority aforesaid,* That if any person or persons shall lay the foundation, or begin to lay the foundation of any party wall adjoining or upon the line of any public street, lane or alley, within the bounds described in the twelfth section of this act, in the said township, before the line and boundaries of the lot or piece of land whereon the said foundation shall be so laid or begun, shall be regulated and marked out by the said regulator or regulators, every such person or persons, as well employer as master builder, shall forfeit and pay any sum not less than five dollars, nor more than fifty dollars, for each and every day the said employer or master builder shall continue any obstruction contrary to regulation made, and to be recovered before any justice of the peace of said county, or any alderman of the city of Philadelphia, for the use of the commissioners of said township, subject to an appeal to the next Court of Common Pleas as aforesaid, and the said forfeiture to be by said commissioners laid out towards keeping in repair the streets, roads, lanes and alleys, and maintaining the poor of said township: *Provided,* Such prosecution be commenced within twelve months from the time the offence shall be committed.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That the regulator or regulators so appointed, shall enter in a book, all directions, orders and awards, by him or them made in pursuance of this act; and every such order and award, if made with reasonable notice to the parties interested, shall be conclusive, unless the same be set aside upon appeal as aforesaid, which book shall be provided by the said commissioners, and shall be under their direction: *Provided always,* That no person under age, non compos mentis, feme covert, imprisoned, or beyond seas, or who shall not have notice as aforesaid, shall be injured or affected by any proceedings, order, direction or award, until the expiration of three years after their coming to full age, return from beyond sea, discovered being at large, of sound memory, or if within the United States, until the expiration of one year after notice in writing, within which period, his, her, or their appeal may be entered and prosecuted as aforesaid.

SECT. XVII. *And be it further enacted by the authority aforesaid,* That the said commissioners shall have full power and authority to demand and receive all monies, goods, chattels and effects whatsoever, whereof any person or persons, or bodies politic or corporate are seized or possessed, or which they shall, or any of them, hold and enjoy, in trust for, or to and for the use of the inhabitants of the said township to which the said inhabitants are entitled, be and they are hereby severally and respectively vested in the said corporation or body politic, and their successors, in and by this act established, by the name, style, and title aforesaid, and for the use and benefit of the said inhabitants and their successors, forever.

SECT. XVIII. *And be it further enacted by the authority aforesaid,* 1812.

That the said commissioners shall have full power and authority, for the purpose of carrying this act into effect, to lay and assess all taxes which could be laid or assessed by the supervisors, overseers of the poor, and regulators of the Northern district, or commissioners of said township, at the time of passing this act; and shall have full power, and in like manner, to make and lay yearly and every year, any rate or assessment not exceeding fifty cents in the hundred dollars, in the clear value on all property, real and personal; and the estimation of the annual profits of all trades, professions, made taxable within said township, to be applied to the use of keeping in repair and mending the streets, roads, lanes and alleys, as aforesaid; and also any rate or assessment not exceeding fifty cents in the hundred dollars, to be laid on all real and personal property as aforesaid, to be applied to the use of keeping and maintaining the poor, and procuring them a suitable and proper house or houses within said township, and also to lay yearly and every year, any rate or assessment not exceeding twenty-five cents in the hundred dollars, of the clear value of real and personal estate within the following bounds, *to wit*, Passyunk road, Cedar and Eighth-streets, running north and south, and as the streets become open to the westward, continuing north and south with those streets, running east and west inclusive; and the money thereby received shall be applied by the said commissioners to defray the expenses of sinking and mending pumps which might come under their notice as public property, within the last described limits; and of doing other things and acts necessary thereto, and to appoint a collector or collectors for the taxes aforesaid, from whom adequate securities shall be taken; which rate or assessment being fairly made, shall be transcribed in a book to be kept by the said commissioners, and a duplicate thereof shall be delivered to the collector or collectors, by them to be appointed from the citizens of the said township, who is hereby authorized, enjoined and required, to receive, collect, levy and recover, the rate and assessments in the same manner and form as is by law provided for collecting the county taxes within this commonwealth; and having received or collected the same or any part thereof, shall, when thereto required, account with and pay to the person the commissioners shall appoint their treasurer, all such sums of money which hath been collected, and deduct five per cent. for the collection, the said collector having first given sufficient security for the amount of each duplicate to collect for said township.

SECT. XIX. *And be it further enacted by the authority aforesaid,* That the treasurer of the said commissioners, before he undertakes his office, shall give a bond with two sufficient sureties to the commissioners, in such penalty as they from time to time shall judge proper, conditioned that he will well and faithfully execute his office, keep regular accounts of his receipts and disbursements, pay all the orders drawn on him by the said commissioners or a majority of their board, as soon as sufficient monies shall come to his hands from any of the funds under the direction of the commissioners, and that he will once in every year, or oftener if thereunto required, settle and adjust with the said commissioners a full and just account, support-

And lay taxes.

Rate of.

And appropriation.

Poor tax to be laid.

Rate of.

Tax to be laid on real and personal property.

Within what bounds.

Application of the proceeds.

Collectors to be appointed.

Assessment to be entered.

Duplicate to be delivered to collectors.

Who shall collect the same.

And account to the commissioners.

5 per cent. allowed to.

Treasurer to give bond.

His duties.

1812.

ed by proper vouchers, of all his receipts and payments during the preceding time, and that upon his death or the appointment of another treasurer in his room, which the said commissioners or a majority of their board are hereby authorized to do whenever they see cause, he, his executors or administrators, shall and will settle and adjust all his accounts with the said commissioners, and pay the remaining balance in his hands to his successor in office, charging for his trouble no more than shall be allowed him by the commissioners, not exceeding two per cent.

Compensation to.

Part of former acts repealed.

Suits instituted under the former laws may be proceeded in.

And the proceedings of the supervisors, &c. valid.

And their acts binding upon the commissioners.

Part of a former law exempted from the operation of this act.

Certain accounts to be settled by commissioners, instead of justices of the peace.

SECT. XX. *And be it further enacted by the authority aforesaid,* That so much of all and every act or acts as directs, authorizes, or requires any matters or things to be done and performed by the supervisors of the public highways, overseers of the poor, regulators of the northern district, or by all or any of them, or by any other person, or bodies politic or corporate, authorized to lay taxes within said township, or to manage its concerns, shall, from and after the first Monday in April, after the election of commissioners by this act, constituted a body politic and corporate, be null and void, and the said officers shall no longer continue in office, nor shall any new appointment be made of said officers under any former law or act of assembly: *Provided nevertheless,* That nothing herein contained shall bar, prevent, or in any manner impede the recovery of any sum or sums of money, or of any other matter or thing, for the recovery whereof suits have been or may be instituted, but the same may be carried on by the said commissioners hereby incorporated, to final judgment, execution and recovery: *And provided further,* That all and every matter and thing that has been commenced, begun, or entered upon, by the said supervisors, overseers of the poor, regulators and commissioners, or either of them, in pursuance of powers and authorities in them vested, shall be of the same force and effect as if this act had not been made, and may from and after the time last mentioned, be proceeded in and carried into effect agreeably to the directions of this act, as fully as the same might or could have been done by the supervisors, overseers of the poor, regulators and commissioners, or either of them, had this act not been made; and for this purpose all contracts and agreements, made or entered into by the said supervisors, overseers of the poor, regulators and commissioners, or either of them, in pursuance of powers in them vested legally, previously to the time last aforesaid, shall be equally binding upon the commissioners and upon the persons with whom the same have been or shall be made, as if the same had been originally made and entered into by and between them: *Provided nevertheless,* That this act shall not interfere with the first, second, third, fourth, and fifth sections of a law, passed March twenty-sixth, one thousand eight hundred and eight, entitled "An act granting certain powers to the inhabitants of the northern part of the township of Moyamensing, authorizing and empowering commissioners to do certain things therein mentioned," except so much of the fourth section which points out the settlement of the accounts of said commissioners, to be by justices of the peace, be null and void, and shall after the election of commissioners under this act, be settled by commissioners; and orders drawn by them on their trea-

surer for payment instead of the supervisors of said township, and the order of court, as directed in the fifth section of said act, shall be directed to the commissioners instead of the supervisors.

1812.

SECT. XXI. *And be it further enacted by the authority aforesaid,* That from and after the first Monday in April, following their first election, the commissioners hereby incorporated shall be, and they are hereby fully authorized and empowered, either by themselves or by proper persons, to be by them appointed for that purpose, to do, perform and execute, all such matters and things not herein before provided for, as the said supervisors, overseers of the poor, and regulators were at and immediately before the passing of this act, respectively authorized or enabled by law to do.

Powers of the supervisors transferred to the commissioners.

SECT. XXII. *And be it further enacted by the authority aforesaid,* That all and singular the estate and estates, rights, privileges, and interests aforesaid, may be had and received by the said commissioners, and be by them and their successors faithfully applied to and for the use of the said inhabitants and their successors forever :

Commissioners to take possession of estates belonging to the corporation.

And provided, That all and every person and persons, or bodies politic and corporate, who are or shall be seized or possessed of the same, or any part thereof, shall on reasonable request, deliver the same to the said commissioners, together with all deeds, writings, evidences, books and papers, touching and concerning the same, with proper assignments, where the same shall be necessary, and just, true and fair accounts thereof; and whoever shall fail therein, shall be liable to be sued for the same, and shall moreover forfeit and pay to the said commissioners any sum of money, not exceeding five hundred dollars, to be sued for and recovered in any court of record, and to be applied to the use of the inhabitants of said township.

With the title, deeds, &c,

Penalty on failing to deliver to the commissioners the property of the corporation.

SECT. XXIII. *And be it further enacted by the authority aforesaid,* That the said commissioners shall cause all accounts of receipts and expenditures of money, to be published up to the thirty-first day of December, inclusive, in each and every year, or within three months thereafter; and the vouchers in support of all charges, may be viewed at any seasonable hour, by any taxable inhabitant who may demand the inspection thereof; and the said commissioners shall also keep regular minutes of their proceedings, which may be examined by like persons, and at like times, as the accounts aforesaid.

Receipts and expenditures to be published.

And vouchers exhibited.

SECT. XXIV. *And be it further enacted by the authority aforesaid,* That the said commissioners shall have full power and authority to pave, or cause to be paved, the footways and gutters, within the northern part of said township, or so much thereof as they shall deem necessary, with brick or flat stone as the case may require, and shall plant or cause to be planted, curb-stones or posts as to them may appear proper to prevent the said pavement or gutters from being injured by carriages, agreeable to the regulations made, and to be made and established by the late regulators and commissioners in pursuance of this act: *And provided also,* That all and every owner or owners, shall have the privilege of paving their own fronts in manner aforesaid, so that they have the pavement completed in three months after written or printed notice given for that purpose by the said commissioners: *And provided further,* That no person

Footways and gutters to be paved.

And curb-stones to be planted.

Owners may pave their own fronts.

1812. shall be obliged to pave any footway to a greater breadth than four feet in front of any lot whereon a dwelling-house is not erected, and in case any owner or owners shall neglect or refuse to pave his, her, or their own fronts, in manner aforesaid, for the space of three months after notice aforesaid, it shall and may be lawful for the said commissioners to make, or cause to be made, the said pavement; and the owner or owners so refusing, shall be liable to the commissioners for the expense so incurred, in their proper proportions, together with legal interest and costs, which may be recovered in an action of debt, before any justice of the peace in the county of Philadelphia, or alderman of the city, as debts are recoverable under five dollars thirty-three cents: *And provided further,* That on the petition of a majority of the freeholders residing in any street, lane or alley, or owners requesting the pitching, paving of any such street, lane or alley aforesaid, the commissioners shall have power and authority to cause the same to be done, if they shall think it necessary at the expense of the freeholders and owners of said street, lane or alley, to be assessed in proportion to the respective fronts of their property, within the aforesaid township so pitched and paved, and to be recoverable as aforesaid; and upon like application of a majority of the inhabitants residing in any street, lane or alley, to the commissioners, to establish lamps and nightly watch in such street, lane or alley, the expense to be defrayed by an assessment agreeable to the county rates and levies within the district, so lighted and watched, and subject for collection as aforesaid.

Certain footways may not be more than 4 feet broad.

Commissioners may pave &c. when the owners refuse.

On petition, any street, lane or alley, may be paved, &c.

Assessment for.

Watch and lamps.

Poor house may be rented or erected.

Commissioners to have the powers of directors of the poor.

Buildings for the poor.

Stewards may be appointed, who shall account, &c. Powers of the commissioners.

May make by-laws, &c.

SECT. XXV. *And be it further enacted by the authority aforesaid,* That the said commissioners shall have power and authority to erect, rent, or provide a house or houses in the said township, for the more convenient and comfortable accommodation and employment of the poor settled in said township, where they shall be supported at the common expense of the same, the said commissioners shall exercise and have the powers as directors of the poor and of the house of employment, for said township, and shall and may receive, take, hold and possess, any lands, tenements and hereditaments whatsoever, not exceeding the yearly value of five thousand dollars, and any real estate, goods and chattels whatsoever, of the gift, alienation or bequest of any person or persons whomsoever, and purchase, take and hold any land and tenements, in fee simple or otherwise, within the said township, and erect suitable buildings thereon, if they think necessary, for the reception, use and accommodation of the poor of said township, and provide all things necessary for the boarding, lodging, maintenance and employment of the said poor; they shall or may appoint a suitable person or persons as steward or stewards who shall be accountable to, and under the direction of the said commissioners; the said commissioners shall have all the powers and authorities the overseers of the poor had, and now have, under any law or laws of this state, whose powers shall be null and void after the passing of this act, as far as it respects the overseers of the poor of said township, and the said commissioners shall have full power to make and ordain all such by-laws, rules and regulations, as they shall think proper, convenient and necessary, for the direction, government and support

of the poor and house of employment aforesaid, and of the revenues thereunto belonging, and of, or respecting all such persons as shall come under their care or cognizance; *Provided*, the same be not repugnant to this law or any other of the laws of this state or of the United States; *And provided also*, That the tax arising on dogs within the township, shall be paid by the collectors, to the treasurer of the guardians of the poor, and by them appropriated for the support of the poor of said township.

1812.

Proviso.

Appropriation of the tax on dogs.

SECT. XXVI. *And be it further enacted by the authority aforesaid*, That all monies, goods, chattels and property whatsoever, which shall be remaining in the hands of the overseers of the poor of said township, as well also all the monies, goods, chattels and property as aforesaid, in the hands of the supervisors of said township, or in the hands of the regulators of the northern district of said township, after the passing of this act, shall be paid over by them, or either of them, and all of them, to the commissioners aforesaid; and the office of overseers of the poor, supervisors of the highways and regulators aforesaid, within said township, shall from thenceforth be abolished, and all and every part of an act, entitled "An act granting certain powers to the inhabitants of the northern part of the township of Moyamensing," except so much of said act as is recited in this act, be, and the same is hereby repealed, and made null and void.

Property in the hands of the overseers, &c. to be paid over to the commissioners.

Offices of overseer of the poor and supervisor abolished. Certain act repealed.

Passed 24th March, 1812.

CHAPTER MMMDIX.

A further SUPPLEMENT to the act, entitled "An act authorizing the governor to incorporate a company for making an artificial road from the borough of Harrisburgh, through Lewistown and Huntingdon, to Pittsburgh."

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That as soon as the companies shall become incorporated agreeably to the provisions of the act to which this is a supplement, the president and managers of the same shall proceed to lay down, mark and ascertain such route for the said road therein mentioned, as shall to the best of their judgment and skill, combine shortness of distance with the most practicable ground from Harrisburgh through Lewis-town and Huntingdon, in a direction to Pittsburgh.

SECT. II. *And be it further enacted by the authority aforesaid*, That as soon as the said company shall have been incorporated, in pursuance of the original act to which this is a supplement, the governor be, and he hereby is authorized and required to subscribe on behalf of this commonwealth, the sum of two hundred thousand dollars of the stock of the said company so to be incorporated, agreeably to the provisions of the act passed the fourth of March, one thousand eight hundred and seven, for the purpose of making a turnpike road from Harrisburgh as aforesaid, one hundred thou-

Governor to subscribe 200,000 dollars.

1812.

Where and how to be expended.

And in what proportions.

Governor to draw his warrant.

Seven commissioners may act.

Company to be organized at Huntingdon.

Original act extended.

Part of a certain act repealed.

sand dollars on that section of the road lying between Alexandria, in Huntingdon county, and the crossing of Big Conemaugh river, in a direction to Pittsburgh; and sixty thousand dollars to that section lying between Alexandria and Miller's town on the Juniata; and forty thousand dollars to that section of the road lying between Miller's town and Harrisburgh; and the governor is also required, as soon as any distance not less than five miles of the said road shall have been completed and approved of, to draw his warrant on the treasurer in favour of the said company, for such part of the said subscription as the said section or sections shall be entitled to, in proportion to the whole distance, and so on as the road progresseth in one continued direction, commencing both at Harrisburgh and Alexandria, as nearly as may be at the same time, and the distance of five miles from either of the aforesaid points having been completed and approved of, the governor is hereby required to draw his warrant on the treasury in favour of the said company for a proportional part of the said subscription, for the said sections, and also for a proportional part of the said subscription for ten miles in advance progressing from any point or points: *Provided*, That such distance is made and approved of, and so on in advance on the completion of the said section or sections as the case may be, for every subsequent ten miles.

SECT. III. *And be it further enacted by the authority aforesaid*, That in all cases any seven of the commissioners named in the act to which this is a supplement shall be competent to act, and the place at which the subscribers shall proceed to organize the corporation and elect their officers under the provisions of the different sections of the said act, shall be the town of Huntingdon.

SECT. IV. *And be it further enacted by the authority aforesaid*, That the act for incorporating a company for making an artificial road from Harrisburgh through Lewistown and Huntingdon to Pittsburgh, be, and the same is hereby extended for six years after the first day of May next, with all the grants, rights and privileges, thereto annexed, any law to the contrary notwithstanding: *Provided*, That the subscription directed by the act, entitled "An act for the improvement of the state, passed the twenty-first day of March, one thousand eight hundred and eight; as authorizes the governor to subscribe for two thousand shares in the stock of said company, be, and the same hereby is repealed.

Passed 24th March, 1812.

CHAPTER MMMDX.

An ACT for the relief of Isaac and Elizabeth Wood, minors, children of Benjamin Wood, late of the city of Philadelphia, deceased.

SECT. 1. [ONE thousand three hundred and twenty dollars and seventy-three cents granted to the guardians of Isaac and Elizabeth Wood, as a full compensation for all losses which the said Isaac and Elizabeth Wood have sustained in consequence of their

eviction from a messuage and lot of ground, sold by the state as confiscated property. Guardians to enter into recognizance, &c. and place the money out at interest, or invest it in stock, for the benefit of the minors; the amount to be paid to the minors at their majority.]

1812.

Passed 24th March, 1812.

CHAPTER MMMDXI.

An ACT authorizing the secretary of the land-office to issue patents in certain cases, to claimants of certain lands in the counties of Luzerne and Bradford, and for other purposes therein mentioned.

WHEREAS several irregularities appear to have occurred in issuing certificates to Connecticut settlers, by the commissioners under the act of the fourth of April, one thousand seven hundred and ninety-nine, and the supplements thereto, and no power being given to the board of property to correct the same, by reason of which the owners of certain lands under the said law cannot now obtain their patents, nor the commonwealth receive the price of the land by them held: For remedy whereof,

SECT. I. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* in all cases where an entry is found in the books or papers deposited in the land office, by said commissioners, shewing the quantity of acres, amount of valuation, and description of each right or lot, and where it also appears that the Connecticut settler or his legal representative under such circumstances is the owner of any land so valued, classed and entered in said books or papers, that in such cases the board of property are hereby empowered to decide on such claim, correct the irregularities, or direct a re-survey, if necessary, as in other cases: *Provided, That* nothing herein contained shall give any power to the board of property touching the claim of John Shephard and Benjamin Dorrance to what is called the Mammoth Farm, but all matters touching the same shall be removed and tried in the Supreme Court, when sitting in the borough of Lancaster, in the same manner as directed by a resolution for that purpose, passed the second day of April, one thousand eight hundred and eleven, any law or resolution to the contrary notwithstanding.

Certain Connecticut claims to be settled by the board of property.

That of J. Shephard and B. Dorrance excepted.

SECT. II. *And be it further enacted by the authority aforesaid, That* in all cases where the Pennsylvania claimant has released to this commonwealth, land within the fifteen townships of Luzerne county, and the land has been applied for by a Connecticut claimant, it shall be the duty of the Secretary of the land-office to issue a patent to the Connecticut claimant or claimants, he, she or they, paying for such land the sum at which it was valued or appraised by the commissioners appointed to carry into execution the act of

Patents to issue to Connecticut claimants.

1812. fourth April, one thousand seven hundred and ninety-nine, entitled
 “An act for offering compensation to the Pennsylvania claimants of certain lands, within the seventeen townships in the county of Luzerne, and for other purposes therein mentioned,” and the several supplements thereto, together with interest upon the same, from the first day of January, one thousand eight hundred and one, and the office fees: *Provided*, that in cases of disputes by Connecticut claimants, the same shall be decided by the board of property as in other cases.

When interest to commence.
 Disputes how decided.

Passed 24th March, 1812.

CHAPTER MMMDXII.

An ACT for the relief of John Lehman, Matthew Wilson, and George Buyers, old soldiers.

SECT. 1. [ANNUITIES granted John Lehman, George Buyers, and Matthew Wilson, of forty dollars each, payable half yearly during life.]

Passed 24th March, 1812.

CHAPTER MMMDXIII.

An ACT to organize for judicial purposes, the counties of Bradford, Tioga, and Susquehanna, and for other purposes.

Name of Ontario county changed.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the county of Ontario, within this commonwealth, shall be called and known by the name of Bradford.*

Bradford, Tioga, Susquehanna, and Wayne counties to have judicial powers and privileges.

SECT. II. *And be it further enacted by the authority aforesaid, That from and after the second Tuesday of October next, the inhabitants of the counties of Bradford, Tioga, Wayne, and Susquehanna, shall each enjoy and exercise in judicial concerns, all and singular the jurisdictions, powers and privileges whatsoever, within the same, which the inhabitants of other counties do, may, or ought to enjoy, by the constitution and laws of this commonwealth.*

Formed into a judicial district, No. 11.

President to be appointed, &c.

SECT. III. *And be it further enacted by the authority aforesaid, That the counties of Bradford, Tioga, Wayne, and Susquehanna, be, and the same are hereby erected into a separate judicial district or circuit, to be called the eleventh district, and a person of legal knowledge and integrity be appointed and commissioned by the governor, to be president and judge of the Courts of Common Pleas within the said district, and two other proper persons shall be appointed and commissioned judges of the Court of Common Pleas, in and for each of the said counties of Bradford, Tioga, and Susquehanna, which said president and judges shall, after the second Tuesday of October next, respectively have the like*

salaries, and have and execute all and singular the powers, jurisdictions, and authorities, of judges of the Courts of Common Pleas, judges of the Courts of Oyer and Terminer and General Gaol Delivery, judges of the Orphans' Court, and justices of the Courts of Quarter Sessions of the Peace, agreeably to the constitution and laws of this commonwealth.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the persons who shall be appointed associate judges for the counties of Bradford, Tioga, and Susquehanna, shall take the requisite oaths or affirmations of office before the prothonotary of the Court of Common Pleas of the county of Tazerne, who shall file a record of the same in the several offices of the prothonotaries of the counties of Bradford, Tioga, and Susquehanna, who may be appointed at any time after the passing of this act, and all writs of certiorari directed to, and appeals from the judgment of any justice of the peace of either of the said counties of Bradford, Tioga, and Susquehanna, and all criminal prosecutions which may originate in either of the said counties, before the test days hereinafter mentioned, shall be proceeded in as heretofore in the Courts of Common Pleas and Quarter Sessions of the Peace, of the several judicial districts to which the said several counties are attached, and all process to issue from the courts of the said counties of Tioga, Bradford, and Susquehanna, returnable to the first term in the said counties, respectively, shall bear test as of the second Monday of January next.

Oaths to be taken by, &c.

And filed,

Certain appeals, &c. to be prosecuted as heretofore, until, &c.

Test day.

SECT. V. *And be it further enacted by the authority aforesaid,* That the judges of the Supreme Court shall have the like powers, jurisdictions and authorities, within the said judicial district, as by law they are vested with in other judicial districts of this state, and the said district is hereby annexed to the middle district of the said Supreme Court.

Judges of the Supreme Court to have jurisdiction, &c.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the sheriffs, coroners, treasurers, and all such other officers as have usually given, or as are or may be by law directed to give bail for the faithful discharge of the duties of their respective offices, who shall hereafter be elected or appointed in either of the said counties, shall before they enter on the duties of their respective offices, give sufficient sureties in the like sums, like manner and form, and for like purposes, as similar officers are required to do in the other organized counties of the commonwealth.

Sheriffs and others to give bail.

SECT. VII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the commissioners of Tioga county, and the commissioners of Bradford and Susquehanna counties, (after such are elected,) and they are hereby required to erect or cause to be erected, on such parts of the public squares, which are given for the purpose in the respective counties, as they may deem best calculated for the purpose, a court-house, prison, and offices, for the safe-keeping of the papers and records for each of the said counties; and until such public buildings are erected, the courts of justice shall after the said second Tuesday of October next, for the county of Tioga, be opened and held at the house belonging to James Smith, junior, in the town of Wellsborough; for

Public buildings to be erected.

1812. the county of Bradford, at the dwelling-house of William Means, in the township of Towanda, and for the county of Susquehanna, at the dwelling-house of Isaac Post, in the town of Monstrose ; and for the county of Tioga, the courts shall be opened and held on the second Mondays of January, April, August and November ; for the county of Bradford, on the Mondays next following the courts in Tioga ; for the county of Susquehanna, on the Mondays next following the courts in Bradford ; and for the county of Wayne, on the Mondays next following the courts in Susquehanna.

Where the courts to be held, until, &c.
And when.

When sheriffs and other officers may be elected.

Powers and privileges of.

When elections to be held.

Proviso as to Susquehanna county.

Arbitrators to be appointed in case of dispute.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the inhabitants of the counties of Tioga, Bradford, and Susquehanna, qualified to elect, shall on the second Tuesday of October next, choose suitable persons for sheriffs, coroners and commissioners, and all other necessary officers for the said counties respectively, in the same manner and under the same regulation and penalties, as similar officers are chosen in the other counties of this state, and the officers chosen and qualified as aforesaid, shall have and enjoy all and singular the powers, privileges and emoluments, arising out of, or incident to their offices respectively, and until it shall be otherwise directed by law, the qualified electors in each of the said counties shall continue to elect for executive and legislative officers, at the same places and in the same manner as heretofore : *Provided,* That this act shall not go into operation so far as the same respects the county district of Susquehanna, until the persons who have offered lands or made other propositions to the trustees appointed by the act, entitled "An act to erect parts of Luzerne and Lycoming counties into separate county districts," passed the twenty-first day of February, one thousand eight hundred and ten, have fairly complied with their proposals ; and in case of dispute between the said trustees and persons who have heretofore made proposals as aforesaid, the same shall be tried and determined by three arbitrators, to be appointed by the Court of Common Pleas of Luzerne county, and the said court is hereby directed to appoint such arbitrators upon the application of either of the said parties.

Passed 24th March, 1812.

CHAPTER MMMDXIV.

An ACT for the relief of Levi Griffith, David Edgar, and George Funk, old soldiers.

SECT. 1. [FORTY dollars granted to David Edgar, and annuities to Levi Griffith and George Funk, of forty dollars each, payable half yearly during their lives.]

Passed 24th March, 1812.

CHAPTER MMMDXV.

1812.

A further SUPPLEMENT to an act, entitled "An act to enable the governor of this commonwealth to incorporate a company, for making an artificial road from the intersection of Front-street and the Germantown road, in the Northern Liberties, of the city of Philadelphia, through Frankford and Bristol, to the ferry at Morrisville, on the river Delaware."

SECT. 1. [FRANKFORD and Bristol turnpike road to be extended. Powers granted for effecting the same: *Provided*, That nothing in this act contained shall authorize the said president, managers, and company, to construct, erect, or make the said artificial, or turnpike road, over or upon the dam, or bridge, that is constructed, from the main land to Morrisville island, without first obtaining the consent and approbation of the owner or owners of the Morrisville island, mill dam and mills, as well as the Delaware bridge company: *And provided also*, That the said managers and company, shall not erect or fix a gate or gates upon or across said road, within the limits of the borough of Morrisville; and so much of the act to which this is a further supplement, or of any supplement thereto, as is hereby altered and supplied, and no more, be and the same is repealed.]

Passed 24th March, 1812.

CHAPTER MMMDXVI.

An ACT for the relief of Henry M'Euen, a wounded soldier, and of Mary Gordon, widow of Thomas Gordon, a soldier, deceased.

SECT. 1. [SIXTY dollars granted to Henry M'Euen, and an annuity to Mary Gordon of forty dollars, payable half yearly during life.]

Passed 24th March, 1812.

CHAPTER MMMDXIX.

An ACT to enable Simon Meredith and David Hillis, to sell and convey a certain tract of land.

SECT. 1. [SIMON MEREDITH and David Hillis, authorized to convey certain lands. And to pay five per cent. &c. to Ann Baldwin, annually during life. Distribution, &c. Security to be given.]

Passed 27th March, 1812.

CHAPTER MMMDXX.

An ACT for the relief of George Wiseman, Samuel Smiley, Henry Shade and William Johnson, old soldiers.

SECT. 1. [FORTY dollars to be paid to George Wiseman, and an annuity to Samuel Smiley and Henry Shade of forty dollars,

1812. payable half yearly during their lives. 2. And the like annuity to William Johnson. James McAlmont trustee, &c. and his duties prescribed. To make return to the Orphans' Court, &c.]

Passed 27th March, 1812.

CHAPTER MMMDXXII.

An ACT to enable Edward De la Montanye, to convey a certain piece of land to the purchasers.

SECT. 1. [E. DE LA MONTANYE, authorized to convey the interest of Ann Montanye, deceased, in a certain estate: *Provided*, That the said Edward Dela Montanye shall enter into recognizance, in the Orphans' Court of the county of Philadelphia, that the proceeds thereof shall be applied for the only benefit, and the sole use of the heirs of the said deceased.]

Passed 27th March, 1812.

CHAPTER MMMDXXIII.

An ACT authorizing the governor to appoint commissioners to lay out a state road from the town of Washington, in the county of Washington, through Williamsport and Somerset, to intersect the turnpike road from Harrisburgh to Pittsburgh.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the governor be, and he is hereby authorized to appoint three disinterested commissioners, one of whom shall be a practical surveyor, to lay out and mark a state road, beginning at the town of Washington, in the county of Washington; thence by the best and shortest route to Williamsport, in said county; from thence by the best and shortest route to the town of Mountpleasant, in the county of Westmoreland; from thence by the best and shortest route to the town of Somerset, in the county of Somerset; from thence by the best and shortest route, to intersect the turnpike road from Harrisburgh to Pittsburgh, as shall to them appear to be most conducive to promote the interests of the public, and that of the state, generally; and the said commissioners or a majority of them, shall proceed to lay out and mark the said road at such time as the governor shall direct, and shall cause a draught of said road to be made and deposited in the office of the secretary of the commonwealth, together with their opinion annexed, of the amount of money necessary for opening and completing said road; and they shall also deposit a copy of the said draught in the office of the clerk of the Court of Quarter Sessions, of the respective counties through which the said road shall pass, which shall be a record of the said road, and shall from thenceforth be, to all intents and purposes, a public high-

Commissioners to be appointed.

Route of the road.

Draught of the road to be deposited, &c.

Copies of the draught to be furnished, &c.

way, and shall be opened and kept in repair in the same manner as 1812.
 other roads which are laid out by order of the Courts of Quarter Sessions are, in the said counties: *Provided always*, That the road Proviso.
 shall be laid out upon such ground as, in the opinion of said commissioners, can be conveniently regulated in the opening thereof, so as not to exceed an elevation of five degrees.

SECT. 2. [Commissioners to take an oath, &c. Compensation to: Chain carrier, marker, &c. Expense how paid.]

Passed 27th March, 1812.

CHAPTER MMMDXXIV.

An ACT to improve the breed of sheep, in the counties of Luzerne, Northumberland and Delaware.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* Rams not to be permitted to run at large during certain seasons. Penalty.
 no ram shall be permitted to run at large in the counties of Luzerne, Northumberland, and Delaware, between the first day of August and the first day of December, under the penalty of two dollars, to be recovered from the owner of such ram, as debts of equal amount are now recoverable in this commonwealth, and unless the said penalty be paid within three days after demand is made by the person taking up the same: *Provided always*, That before demand is made as aforesaid, three days previous notice shall be given at ten of the most public places in the township where such ram was taken; and if no owner can be found in twenty days after such notice as aforesaid, the ram shall be forfeited, and become the property of the then possessor. How recoverable.

Passed 27th March, 1812.

CHAPTER MMMDXXVII.

An ACT granting an annuity to Edward Quigley, a wounded soldier of the revolutionary war.

SECT. 1. [FORTY dollars granted to Edward Quigley. And an annuity of like amount. Payable to John G. Lowrey. How to be expended. Return to be made to the Orphans' Court.]

Passed 27th March, 1812.

CHAPTER MMMDXXIX.

An ACT to purchase and make free, the bridge over the river Conestogoe, built by Abraham Witmer, in the county of Lancaster.

SECT. 1. [COMMISSIONERS appointed. To fix the price to be paid for Witmer's bridge. Pay of the commissioners. 2.]

1812. Meeting of. Notice to be given. Oaths to be taken. 3. If a majority of the commissioners do not agree, an additional one to be chosen by the governor. Powers of. Sum to be awarded, how to be paid. 4. A. Witmer to cease exacting tolls after refusal to appoint commissioners, or to accept the sum awarded. Penalty on offending. 5. If the award be for a sum exceeding ten thousand four hundred and eighteen dollars and thirty-four cents the deficiency to be made up by tolls. And rates prescribed. 6. Commissioners of Lancaster county to exhibit their accounts, and when repaid said bridge shall be declared free from toll. Penalty on exacting tolls afterwards.]

Passed 27th March, 1812.

CHAPTER MMMDXXXII.

An ACT for the relief of Peter M^cBride, an old wounded soldier.

SECT. 1. [FORTY dollars granted to Peter M^cBride. And an annuity of like amount, to be paid to Jacob Blocher, for his use. When to commence. How to be expended. Return to be made to the Orphans' Court, &c.]

Passed 30th March, 1812.

CHAPTER MMMDXXXIII.

A further SUPPLEMENT to the act, entitled "An act for securing the city of Philadelphia, and the neighbourhood thereof, from damage by gun-powder," and also to "An act to provide for the inspection of gun-powder."

BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the inspector of gun-powder, in and for the port of Philadelphia, and his successors for the time being, shall be and they are hereby authorized, directed and enjoined, upon the reasonable request, and at the proper costs and charges of the owner or occupier of any manufactory of gun-powder, erected or to be erected within the county of Delaware, and not more than ten miles from the city of Philadelphia, to repair to such manufactory from time to time, so often as the same may be necessary, and there to inspect and mark all gun-powder which shall be manufactured thereat, in the manner directed by the act, entitled "An act for providing for the inspection of gun-powder," and the supplement thereto; and all the provisions of the said act and supplement, are hereby extended to the gun-powder so inspected, and the manufacturer thereof, as well as to the inspector for the time being, and his successors in office,

Passed 30th March, 1812.

CHAPTER MMMDXXXIV.

1812.

An ACT for the relief of John Keasy, an old soldier.

SECT. 1. [GRATUITY and annuity granted to John Keasy, and an annuity of forty dollars, payable half yearly during his life.]

Passed 30th March, 1812.

CHAPTER MMMDXXXV.

An ACT to authorize Nathaniel B. Boileau, Thomas B. Montanye, and Gove Mitchell, to sell and convey a school-house and lot of land in Moorland township, Montgomery county.

SECT. 1. [NATHANIEL B. BOILEAU, et al. authorized to convey certain property. And appropriation of proceeds to Loller academy as to one moiety, and the other moiety for the erection of a school-house on land of Isaac Pickering, &c.]

Passed 30th March, 1812.

CHAPTER MMMDXXXVI.

An ACT for the facilitating the due administration of justice.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, when a cause at issue shall be regularly set down for trial in any court of record within this commonwealth by the plaintiff or the defendant, and the plaintiff is not ready for trial, when the cause is called up in its order, the court on motion of the defendant, may order a non-suit to be entered without previously granting a rule to try or non pros, unless the plaintiff shall adduce such reasons for postponing the said cause as would have been a sufficient ground for postponement if the application therefor had been made on behalf of the defendant.

Causes to be tried in their order on non-suit to be entered.

Unless satisfactory reasons are adduced.

Passed 30th March, 1812.

CHAPTER MMMDXXXVIII.

An ACT to extend the powers of the Gettysburgh and Black's tavern turnpike company.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the Gettysburgh and Black's tavern turnpike company, be and they are hereby authorized to extend an artificial road from Black's ta-

The Gettysburgh and Black's tavern turnpike road to be extended.

1812. ^{Powers of the company.} verna to intersect the Chambersburgh turnpike road, at or near Gal-
laher's on the south mountain, and shall have power to enlarge their
stock for that purpose, and generally shall have the like power and
authority for laying out, carrying on, and completing the extension
as aforesaid, of the said road, and be subject to all the duties, quali-
fications, restrictions, penalties, fines, and forfeitures, and be enti-
tled to like tolls and profits, in proportion to the distance as are
given to them by the act under which they were incorporated.

Passed 30th March, 1812.

CHAPTER MMMDXXXIX.

*An ACT enabling a committee appointed by the Court of Common
Pleas, of York county, to sell and convey a part of the real es-
tate of Henry Beechler, a lunatic.*

SECT. 1. [MARGARET BEECHLER, and others, autho-
rized to sell part of the real estate of Henry Beechler, a lunatic,
to pay his debts, and provide for maintenance of him and his chil-
dren, &c. Recognizance to be entered into.]

Passed 30th March, 1812.

CHAPTER MMMDXL.

*An ACT to authorize Henry Conrad to erect a toll bridge over the
Allegheny river.*


SECT. 1. [HENRY CONRAD authorized to build a toll
bridge across the Allegheny river. Property of, vested in said Con-
rad. May receive toll, and rates prescribed. Bridge not to be
erected on private property without the owner's consent; and not
to obstruct the navigation, &c. 2. When to be begun and com-
pleted, and penalty on suffering it to be out of repair. 3. Proceed-
ings to be had in case of non repair, and no tolls to be received
until the bridge be repaired. When the bridge shall become toll
free, and how the value of it shall be ascertained, and Henry Con-
rad compensated. Refusal of Henry Conrad to choose commis-
sioners not to affect the proceedings. 5. All persons attending di-
vine worship, or funerals, military training, and township or gen-
eral elections, shall have liberty at any time to pass and re-pass over
said bridge toll free.]

Passed 30th March, 1812.

CHAPTER MMMDXLI.

*An ACT to erect several new election districts within this common-
wealth, and to change the places of holding the general elections
of several existing election districts.*

SECT. 1. BE it enacted by the Senate and House of Repre-
sentatives of the commonwealth of Pennsylvania, in General Assem-

bly met, and it is hereby enacted by the authority of the same, That 1812.
 the electors of the several election districts hereinafter mentioned, 
 shall hold their general elections within the said districts at the fol- Election dis-
 lowing places, to wit, the electors of the district composed of Fair- trict,
 field township, and a part of Fallowfield township, in Crawford In Crawford
 county, shall hold their general elections at the house now occupied county.
 by Alexander Dunn, in Fairfield township; the electors of the dis- Luzerne
 trict of Nescopeck township, in Luzerne county, shall hold their county.
 general elections at the house now occupied by Christian Ash, at Bucks.
 the mouth of Wopchawley creek; the electors of the district com-
 posed of Bensalim township, in Bucks county, shall hold their gen-
 eral elections at the Indian Queen tavern, now occupied by Daniel Wayne.
 Lurrew; the electors of the district composed of Upper Smithfield
 township, in Wayne county, shall hold their general elections at
 the house now occupied by George Buchanan, in the town of
 Milford.

SECT. II. *And be it further enacted by the authority aforesaid,* Westmore-
 That North Huntingdon township, in Westmoreland county, shall land.
 be a separate election district, and the electors thereof shall hold their
 general elections at the house where Joseph Byerley formerly lived,
 and now belonging to Andrew Byerley, in said township.

SECT. III. *And be it further enacted by the authority aforesaid,* Northumber-
 That Bloom township, in the county of Northumberland, shall be land,
 a separate election district; and the electors thereof shall hold their
 general elections at the house now occupied by Casper Cristman,
 in Bloomsburg.

SECT. IV. *And be it further enacted by the authority aforesaid,* Same.
 That Hemlock township, in the county of Northumberland, shall
 be a separate election district; and the electors thereof shall hold
 their general elections at the house now occupied by William
 McBride, in said township.

SECT. V. *And be it further enacted by the authority aforesaid,* Northamp-
 That Plainfield township, in Northampton county, shall be a sepa- ton.
 rate election district; and the electors thereof shall hold their ge-
 neral elections at the house now occupied by Frederick Wolle, inn-
 keeper, in Jacobsburgh, in said township.

SECT. VI. *And be it further enacted by the authority aforesaid,* Butler.
 That the township of Donegall, in the county of Butler, shall be
 a separate election district; and the electors thereof shall hold their
 general elections at the house now occupied by Rudolph Barnhart,
 in said township.

SECT. VII. *And be it further enacted by the authority aforesaid,* Somerset.
 That the township of Jenner, in Somerset county, shall be a sepa-
 rate election district; and the electors thereof, shall hold their ge-
 neral elections at the house now occupied by John Dennison.

SECT. VIII. *And be it further enacted by the authority aforesaid,* Same.
 That the electors of Conemaugh township, in Somerset county,
 shall hold their general elections at the house now occupied by James
 Mitchell.

SECT. IX. *And be it further enacted by the authority aforesaid,* Same.
 That all that part of Stony creek, and Quemahoning townships, in
 Somerset county, lying east of Stony creek, and north of the Penn-

1812. sylvania road, beginning at the mouth of **Jemison's Breastwork** run; thence down **Stony creek** to the mouth of **Point creek**; thence along the **Cambria county** line to the summit of the **Allegheny mountain**, where it strikes the division line of **Bedford** and **Somerset counties**; thence along said line to the **Pennsylvania road**; thence along said road to a run crossing the same, east of the house now occupied by **Frederick Cramer**; thence in a straight line to **Broa-lier's mill**, on **Jemison's Breastwork** run; thence down said run to the place of beginning, shall be a separate election district, to be called **Shade district**; and the electors thereof shall hold their general elections at the house now occupied by **Peter Miller**.

Bucks. **SECT. X.** *And be it further enacted by the authority aforesaid,* That **Northampton township**, in **Bucks county**, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by **Philip Sager**.

Berks. **SECT. XI.** *And be it further enacted by the authority aforesaid,* That the following described part of **Berks county**, shall be a separate election district, beginning at the foot of the **Blue mountain**, where the division line takes place, between the townships of **Bethel** and **Tulpehocken**; thence along said line to where it intersects the road which leads from **Dieter Snyder's**, to **John Seaman's**; thence along said road to the place where it intersects the great road, leading from **Rohrersburgh** to **Reading**; thence along said road to the house of **John Patierger, jun.** on the **North Hill creek**; thence along said creek to the place where it empties into the **Tulpehocken creek**; thence down said creek to the house of **George Riegle**; thence along the present district line to the house of **Jacob Runkle, sen.**; thence a straight line to the house of **John Backenstos**; thence in a straight line to the house of **Michael Nunnemacker**; thence to a church known by the name of **Michael's church**; and from thence to the house of **John Marshall**, at the foot of the **Blue mountain**; thence to the county line between the counties of **Berks** and **Schuylkill**; thence along said division line to the place of beginning; and the electors thereof shall hold their general elections at the house now occupied by **George Shattel**, in **Bern township**.

Berks. **SECT. XII.** *And be it further enacted by the authority aforesaid,* That the following described part of **Berks county**, shall be a separate election district, beginning at the swamp road on the line of **Montgomery county**, and extending thence along the said road by **Popendichen**, to **Jacob Koch's** and **George Long's**, through the townships of **Colebrookdale** and **Earl**, where it will intersect the line of **Oley township**, near **Frederick Spang's** forge; thence along the said line dividing the said township of **Oley** and **Earl**, to the line dividing the townships of **Earl** and **Amity**; thence along the said line to **Manatawny creek**; thence down the said creek to where it intersects the line of **Montgomery county**; thence along the said line to the place of beginning; and the electors thereof shall hold their general elections at the house now occupied by **Henry Keely**.

Potter. **SECT. XIII.** *And be it further enacted by the authority aforesaid,* That **Udalia township**, in the provisional county of **Potter**, shall be a separate election district; and the electors thereof shall hold their

general elections at the house now occupied by Isaac Lyman, in 1812.
said township.

SECT. XIV. *And be it further enacted by the authority aforesaid,* Allegheny.
That the following described parts of the borough of Pittsburgh and Pitt township, in the county of Allegheny, shall be a separate election district, to wit, beginning at the Monongahela river on the east side of Wood-street, in the said borough, and running thence by the east side of Wood-street, to the east side of Liberty-street; thence by the same to the east side of Washington-street, being the borough line; thence by the same to the Allegheny river; thence up the said river to the mouth of the Two Mile run; thence up the said run by Roup's mill to Henry Fulton's farm-house; thence a straight line to William Knox's farm-house, on the Four Mile run, including the two last mentioned places: thence down the said Four Mile run to the Monongahela river; thence down the same to the place of beginning; and the electors of said district shall hold their general elections at the court-house in the said borough of Pittsburgh.

SECT. XV. *And be it further enacted by the authority aforesaid,* Washington.
That the citizens inhabitants of that part of the township of Hopewell, in the county of Washington, who are included in the Washington election district, be, and they hereby are attached to what is called Urie's district, in said county; and they are hereafter required to meet with the other citizens of said township, for the purpose of voting at any general or annual election, at the place appointed by law within the said district.

SECT. XVI. *And be it further enacted by the authority aforesaid,* Berks.
That the electors residing within that part of Long swamp township, in Berks county, lying between Hereford township, and a line to be drawn from District township, past, and including Jacob Corle, Theobald Corle, Michael Treas, Christian Ritz, John Frederick, and John Onnar, until it strikes the Northampton county line, be, and they are hereby directed to hold their general elections at the house now occupied by George Hoof, in Hereford township.

SECT. XVII. *And be it further enacted by the authority aforesaid,* Berks.
That the electors residing within that part of District township, in the county of Berks, lying between Long swamp township, and a line to be drawn from Hereford township, past, and including Adam Bardman, David Johnson, George Weyand, and old district furnace, until it strikes the line of Rockland township, be, and they are hereby authorized to hold their general elections at the house now occupied by George Hoof, in Hereford township.

SECT. XVIII. *And be it further enacted by the authority aforesaid,* Erie.
That the electors of the ninth election district, in the county of Erie, who have heretofore held their general elections at the house of Timothy Tuttle, shall hereafter hold their general elections at the school-house in the town of Greenfield.

SECT. XIX. *And be it further enacted by the authority aforesaid,* Susquehanna.
That the following described part of the township of Bridgewater, in the county of Susquehanna, shall be a separate election district, beginning on the north line of said township, by a line to be drawn due east from the western line of Bridgewater township, crossing the north and south road, at the intersection of the roads between

1812. the houses of Zebulon Dean and Thomas Crocker, to a point due south from the south west corner of New Milford township, thence north to the south west corner of said township; thence east along the south line of said township, to the line dividing the townships of Bridgewater and Harford, and to include all that part of Bridgewater district, lying to the southward of said boundary; and the electors shall hold their elections at the house now occupied by Thomas Park, in said district.

Beaver. SECT. XX. *And be it further enacted by the authority aforesaid,* That the township of New Sewickly, in the county of Beaver, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Stanton Shoals.

Wayne. SECT. XXI. *And be it further enacted by the authority aforesaid,* That the electors residing within the bounds of the third election district, in the county of Wayne, shall hereafter hold their general elections at the house of George Buchanan, in the town of Milford.

Lancaster. SECT. XXII. *And be it further enacted by the authority aforesaid,* That the township of Little Britain, in the county of Lancaster, shall be erected into a separate election district; and the electors thereof shall hold their general elections at the house now occupied by Robert Campbell.

Indiana. SECT. XXIII. *And be it further enacted by the authority aforesaid,* That the electors of Black lick township, Indiana county, shall hold their general elections at the house now occupied by Amos Lawrence, in said township.

Northampton. SECT. XXIV. *And be it further enacted by the authority aforesaid,* That that part of Hanover township, formerly in Northampton county, included within the limits of Lehigh county, be, and the same is hereby attached to the second election district; and the electors thereof shall hold their general elections at the house now occupied by George Savitz, in the borough of Northampton.

McKean. SECT. XXV. *And be it further enacted by the authority aforesaid,* That the provisional county of McKean, shall be an election district: and the electors thereof shall hold their general elections at the house of James Hitt, in Ceres township, in said county.

Centre. SECT. XXVI. *And be it further enacted by the authority aforesaid,* That the electors of Miles township, in the county of Centre, shall hereafter hold their general elections at the house now occupied by Godfrey Harloff, in the town of Resersburg, in the said township.

Northampton. SECT. XXVII. *And be it further enacted by the authority aforesaid,* That the township of Lausanne, in the county of Northampton, shall be annexed to the election district, composed of Toamensing and East Penn; and the electors thereof shall hold their general elections at the house now occupied by John Klutz, in Lehigh, in East Penn township.

Same. SECT. XXVIII. *And be it further enacted by the authority aforesaid,* That Bethlehem township, in the county of Northampton, and that part of Hanover, not included in the bounds of Lehigh county, shall be a separate election district; and the electors thereof shall hold their general elections at the house of George Butz, in Bethlehem township.

CHAPTER MMMDXLII.

1812.

An ACT in aid of the Centre turnpike road.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* after the first day of August next, the governor be, and he is hereby authorized to subscribe on behalf of this commonwealth, for three hundred shares of the stock of the Centre turnpike road, leading from Reading to Sunbury, in addition to the six hundred shares heretofore subscribed in the stock of the said company; and to draw his warrant for the amount of the shares so subscribed, on the treasurer of this commonwealth, in favour of the president of the said company; and it shall be the duty of the president and managers of the said company, upon receiving such warrant, to cause certificates of shares of stock, to the amount thus paid, to be deposited with the treasurer of this commonwealth, and the dividends of such shares to be thenceforth from time to time paid to the said treasurer, as they shall be declared: *Provided, That* the sum hereby granted, shall be expended in completing the said road, and not in discharging the debts of the company heretofore incurred.

300 shares of stock to be subscribed for.

Warrant to be drawn for the payment of.

Certificates of stock to be issued, &c. And dividends paid.

How the money is to be expended.

Passed 30th March, 1812.

CHAPTER MMMDXLIII.

An ACT for the relief of sundry inhabitants of the county of Adams, adjoining the manor of Mask.

SECT. 1. [CERTAIN interest to be abated in favour of certain inhabitants of the manor of Mask, on paying the residue of their purchase money, and patenting their land within a limited time.]

Passed 30th March, 1812.

CHAPTER MMMDXLV.

An ACT to alter a certain line between the counties of Mifflin and Huntingdon, on the river Juniata.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* so much of the county of Mifflin as is contained within the following boundaries, shall be and the same is hereby annexed to the county of Huntingdon, that is to say, crossing the river Juniata one hundred and sixty perches below Drake's ferry-house, on the northern side of the river Juniata, thence from the bank of the river, north one hundred and sixty perches, thence at a right angle to the said line, to Jack's mountain, to intersect the present line of Huntingdon county, and the said part of Mifflin county shall thereafter be part

Part of the county of Mifflin attached to Huntingdon.

1812. of the county of Huntingdon, and be in all respects subject to the jurisdiction thereof as fully as if it had been originally part thereof.

Passed 30th March, 1812.

CHAPTER MMMDXLVI.

An ACT to revive and continue the act, entitled "An act authorizing the governor to incorporate a company for making an artificial road from the river Schuylkill, at Reading, in the county of Berks, to or near Hummelstown, in the county of Dauphin."

SECT. 1. [COMMISSIONERS appointed. Books to be procured for entering subscriptions. Notice to be given of opening the books. Three commissioners to attend. Who may subscribe. And for what number of shares. Five dollars per share to be paid on subscribing. 2. The former act revived.]

Passed 30th March, 1812.

CHAPTER MMMDL.

An ACT enabling Henry Manifold and Andrew Clarkson, of York county, to make and execute a deed of conveyance for a certain tract of land.

SECT. 1. [COMMITTEE of Joseph Manifold, a lunatic, authorized to sell his real estate. To enter into recognizance for the due disposition of the purchase money.]

Passed 31st March, 1812.

CHAPTER MMMDLI.

An ACT enabling the governor to incorporate a company, for making an artificial road from the Philadelphia and Lancaster turnpike road, at or near Kennedy's tavern in the county of Lancaster, through Lititz to the town of Manheim, in said county.

SECT. 1. [COMMISSIONERS appointed. Books to be procured for entering subscriptions in. Notice to be given. Who may subscribe, and for what number of shares, and how long the books to be kept open, and may be transferred from place to place. When to be closed. Five dollars to be paid on each share at subscribing, and appropriation thereof. 2. Subscription of stock to be certified to the governor. Who shall incorporate the subscribers by the style and title of "The President, Managers and Company of the Manheim and Lititz turnpike road," with the usual corporate powers and privileges. 3. Notice to be given of organizing the company. Officers to be chosen, and power to make by-laws, &c. and generally have like powers, authorities, and privileges, necessary for carrying

on and completing the said turnpike road; and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to like toils and profits, in proportion to the distance, as are given and granted to the president, managers and company of the Gap and Newport turnpike road: *Provided*, That no toll be demanded or taken from any person passing or re-passing from one part of his or her farm to another, or to and from any place of public worship, or funeral, to or from the militia on days of training: *And provided also*, That if the company shall not proceed to carry on the said work in three years after the passing of this act, or shall not within ten years after the passing of this act, complete the said road according to the true intent and meaning of this act, then and in either of these cases, all and singular the rights, liberties and franchises hereby granted to the said company, shall revert to this commonwealth.]

Passed 31st March, 1812.

CHAPTER MMMDLII.

An ACT constituting a tribunal to relieve the distresses of the disabled; or infirm, and poor revolutionary officers and soldiers, who served in the Pennsylvania line.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the secretary of the commonwealth, auditor-general, and state treasurer, or any two of them, be, and they are hereby constituted and erected into a court of inquiry, to ascertain the actual service of such officers and soldiers as shall apply for the benefit of this act, either by themselves or by their legal attorney; and if it shall appear to the satisfaction of said court that any applicant has served in the Pennsylvania line in the revolutionary war, until he was legally discharged, that he has not property above the value of fifty dollars, and from bodily infirmity is rendered unable to earn a living by labour, and has not heretofore been placed on the pension list of this state, or of the United States, it shall be their duty, and they are hereby authorized and required, to place his name in a pension book to be opened by them in their offices respectively, allowing each applicant so as aforesaid entitled, an annuity not exceeding forty dollars, to be paid by the state treasurer half yearly: Provided always, That where any commissioned officer or private has lost a limb in the service of his country, or has been otherwise disabled from earning a living, by wounds received in the actual service, they shall be severally entitled to an annuity not exceeding sixty dollars: And provided also, That no applicant shall be entitled to the benefit of this act, who has not served three years or more in said line, unless sooner discharged, on account of wounds or other bodily inability.*

Court instituted for trying the claims of old soldiers.

Evidence necessary to support claims.

Pension book to be kept.

Allowance.

Proviso in case of wounds.

SECT. II. *And be it further enacted by the authority aforesaid, That if it shall appear to the secretary of the commonwealth, auditor-general, and state treasurer, or any two of them, to be necessary,*

Of guardians.

1812. they shall recommend to the Orphans' Court of the county within which any such officer or soldier shall reside, whose duty it shall be to appoint some person to be his guardian, removable at any time by said court, and it shall be the duty of such guardian to draw the annuity from the treasury, and apply the same in procuring diet and clothing for the said officer or soldier, and render an account of said expenditure to said court, annually, who are hereby authorized and required to settle and adjust the same, without fees, to said court, or to the officers thereof.

Passed 31st March, 1812.

CHAPTER MMMDLIII.

An ACT appropriating a sum of money for completing the new prison in the city and county of Philadelphia, and for other purposes.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the sum of twenty-five thousand dollars be, and is hereby appropriated, to be paid after the first day of August next, out of any unappropriated money in the treasury, on warrants drawn by the governor in favour of the board of inspectors of the city and county of Philadelphia, to be by them applied in completing the new prison in the city and county aforesaid, and the payment of debts already accrued in building the same; and the said board of inspectors shall furnish and submit a detailed statement of their accounts to the accountant department, when called upon for that purpose, by the auditor-general, to be settled and adjusted in the usual manner: Provided always, That the governor shall have full power to draw warrants for said money in such instalments only as in his opinion the progress of the work in finishing and completing said prison will justify, and the public interest require.*

SECT. II. *And be it further enacted by the authority aforesaid, That immediately after the said prison shall be completed, and suitable for the admission of prisoners, the said inspectors may if they think proper, cause to be removed thereunto, all or any of the persons, convicted of crimes and misdemeanors, that may be then confined in the prison of the city and county of Philadelphia, and if necessary, to receive into the said new prison, from time to time, all persons of the aforesaid description, that may hereafter be convicted in this commonwealth, and subject to hard labour, by the existing laws, in the gaol and penitentiary house of the city of Philadelphia, and the said new prison shall be hereafter considered, deemed and taken to be the exclusive property of this commonwealth, and subject to such regulations as the legislature may from time to time deem necessary and proper: And provided, That so much of the act, passed the second day of April, one thousand eight hundred and three, as relates to this subject, which is hereby altered, be, and the same is hereby repealed.*

Passed 31st March, 1812.

How appointed.

May be removed.

Duties of.

Accounts to be rendered.

25,000 dollars appropriated for completing the new prison in the city and county.

Statement of accounts to be made.

Governor to draw warrants, &c.

Prisoners to be removed.

And convicts to be received into.

Prison to be the property of the commonwealth.

Part of a former act repealed.

CHAPTER MMMDLIV.

1812.

An ACT for the relief of Alexander Brown, Samuel Watt, and Patrick Martin, old soldiers.

SECT. 1. [FORTY dollars immediately, and an annuity granted to Alexander Brown of forty dollars, payable to him half yearly during life from the first day of January, one thousand eight hundred and twelve. 2. Samuel Watt and Patrick Martin, to receive forty dollars each immediately.]

Passed 31st March, 1812.

CHAPTER MMMDLV.

An ACT to continue in force an act, entitled "An act for establishing a health-office, and to secure the city and port of Philadelphia, from the introduction of pestilential and contagious diseases," and supplementary thereto.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the board of health mentioned in the act to which this is a supplement, shall have power to appoint such officers and servants as may be necessary to attend the health office, the lazaretto, and the city hospital, and to convey communications and supplies to the said lazaretto and hospital, and such other temporary officers and servants as may be rendered necessary by the existence of any dangerous contagious disease in the city of Philadelphia, or in any other place within the United States.

Board of health to appoint certain officers.

SECT. II. *And be it further enacted by the authority aforesaid,* That the health officer, on receiving from the captain or master of any ship or vessel, arriving from a foreign port or place, as is required by the second section of the act to which this is a supplement, shall pay the lazaretto physician two dollars and fifty cents; to the quarantine master one dollar and fifty cents; and to the port physician and health officer, one dollar each, in full compensation for all services enjoined on them: *And provided,* That so much of the first section of the act to which this is a supplement, as declares the furnishing the lazaretto physician and quarantine master with provender for one horse and one cow, be, and the same is hereby repealed.

Fees, &c.,

SECT. III. *And be it further enacted by the authority aforesaid,* That no member of the said board of health shall be permitted to go within the limits of the lazaretto, during the continuance of the quarantine, and any of them offending against this provision, shall pay a fine of one hundred dollars, to be recovered by action in any court having competent jurisdiction, by the guardians of the poor for the city of Philadelphia, the district of Southwark, and the township of the Northern Liberties.

No member of the board to go within the limits of the lazaretto, &c.

Penalty on offending.

1812.

Amount of
taxes.Proviso as to
the preva-
lence of the
yellow fever,
&c.Accounts to
be exhibited.And adjust-
ed.Copy of, to
be filed.Vessels from
beyond the
Cape of Good
Hope, where
to remain un-
til visited,
&c.Addition fees
to be paid on
neglecting.Distribution
of.House-keep-
ers t give
notice of in-
disposed sea-
faring men.Penalty for
neglect.

Proviso.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the amount of taxes to be levied and collected by the said board, by virtue of the twenty-eighth section of the act to which this is a supplement, shall in no one year exceed fifteen thousand dollars: *Provided always,* That to defray the expenses necessarily incurred during a season when malignant fever shall become general, or be the cause of extraordinary expense, it shall and may be lawful for the said board of health, by and with the consent of the commissioners of the county of Philadelphia, to borrow such sum or sums of money as may be deemed necessary, and for discharging the debt so incurred, the said board shall be and hereby are authorized and empowered to increase the amount of taxes in manner aforesaid, to such sum as may be requisite for the purpose.

SECT. V. *And be it further enacted by the authority aforesaid,* That the said board of health shall also on the first Monday of January, in every year, exhibit their accounts to the auditors for the county of Philadelphia, and it shall be the duty of the said auditors to settle and adjust the account of all monies received and expended by the said board of health; and the said auditors shall have like powers and authority in settling such accounts as they have in other cases, and on filing a copy of such settlement in the prothonotary's office, it shall be under the same laws, rules and regulations, and shall have the same operation and effect upon every of the members of the said board of health, and in all other respects as the report of auditors against county treasurers.

SECT. VI. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, any vessel of more than two hundred tons burden, arriving from Europe, Africa, or any place beyond the Cape of Good Hope, at the port of Philadelphia, may come to in the outer channel as near the west end of the island of little Tinicum, opposite the lazaretto, as her draught of water, wind and weather, will permit, for the purpose of receiving the visit of the lazaretto physician; and if the said vessel does not come into the inner channel, a fee of twelve dollars shall be paid for the visit of the lazaretto physician, by every such vessel, of which sum the several officers named in the second section of this act, shall be entitled to the several sums therein mentioned, and the residue thereof shall be paid into the treasury of the board of health.

SECT. VII. *And be it further enacted by the authority aforesaid,* That every person keeping a boarding or lodging house in the city of Philadelphia, the district of Southwark, or the townships of Moyamensing, or the Northern Liberties, between the first day of June, and the fifteenth day of October, in any year, shall within twelve hours after any sea-faring man or sojourner shall become sick in such house, report in writing the name of such diseased person to the health officer; and any person neglecting or refusing to comply with the provisions of this section, shall, on legal conviction thereof, be subject to a fine not exceeding fifty dollars, and to imprisonment for any term not exceeding three months, and no person shall hereafter be subject to be punished by imprisonment by virtue of the act to which this is a supplement, without a previous conviction in due course of law: *Provided,* That nothing herein contained

shall be construed to prevent the board of health from temporarily confining any person within the lazaretto bounds, for such time as the said board may deem necessary for the safety of the public. 1812.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the said board of health, or a committee of them, shall have power, having first obtained a warrant from a justice of the peace in due form of law, founded on a complaint of two freeholders, under oath or affirmation, directed to the sheriff of the county of Philadelphia, or his deputy, to enter and search all houses, stores, cellars, and other enclosures, between sun rise and sun set, where they may have just cause to suspect any nuisance to exist: *Provided however,* That no sheriff or deputy-sheriff shall execute any civil process, either by arresting the body or attaching the goods and chattels of any person or persons, under colour of any entry made for the purposes aforesaid, unless such service could by law have been made without such entry, and all services so made under colour of such entry, shall be utterly void, and the officer making such service shall be considered as a trespasser, and said board shall remove or cause to be removed, all offensive or putrid substances, and all nuisances which may have a tendency in their opinion to endanger the health of the citizens from the streets, lanes, alleys, highways, wharves, docks, or any other part or parts of the city of Philadelphia, the district of Southwark, and the townships of the Northern Liberties and Moyamensing: and the said board shall recover in any court having lawful jurisdiction, from all corporate bodies and private individuals, the expense attending such removal, if the owners, occupiers or agents of the premises on which any such nuisance may be found shall have been duly notified to remove the same, and shall refuse or neglect so to do, within the time prescribed by the board.

Houses may be searched, &c. for nuisances.

How process to be served.

Nuisances to be removed.

Expense of, how paid.

Parts of the former law continued.

SECT. IX. *And be it further enacted by the authority aforesaid,* That so much of the act, entitled "An act for establishing a health office, and to secure the city and port of Philadelphia from the introduction of pestilential and contagious diseases," as is not inconsistent herewith, or supplied hereby, shall, together with this act, be continued in force for one year.

Passed 31st March, 1812.

CHAPTER MMMDLVI.

An ACT to vacate part of a street of the width of forty feet in the district of Southwark, as a public highway.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of a street, of the width of forty feet, extending from Carpenter-street to Marriott's lane, in the district of Southwark, and county of Philadelphia, as are not included within the limits of Fourth-street, containing forty feet wide on Carpenter-street, and ten feet wide on Marriott's lane, be, and the same is hereby vacated

Certain part of a street vacated.

Fee simple of vested in E. Bonsall.

1812. *as a public street or highway, and vested in fee simple in Edward Bonsall, of the city of Philadelphia, his heirs and assigns: Provided always, That nothing in this act contained shall in any manner injure or affect the private rights or interest of any other person or persons whatsoever.*

Proviso.

Passed 31st March, 1812.

CHAPTER MMMDLVII.

An ACT providing for the payment of such portion of a direct tax as may be laid by the general government, on this commonwealth.

A certain loan to be negotiated by the government.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That in case congress should think proper to lay a direct tax, the governor is hereby authorized and required to negotiate a loan, with all or any of the incorporated banks, within this commonwealth, in the stock of which this state have an interest or elsewhere: Provided, the same can be had at an interest not exceeding six per cent. for such portion of said tax as shall be called for, for the year one thousand eight hundred and twelve from this commonwealth, and the same to pay over in such manner as congress may direct.*

Passed 31st March, 1812.

CHAPTER MMMDLVIII.

A SUPPLEMENT to "An act enabling a committee appointed by the Supreme Court to sell and dispose of the real estate of Jacob Palmer, a lunatic."

SECT. 1. [JOHN B. PALMER authorized to act alone.]

Passed 31st March, 1812.

CHAPTER MMMDLIX.

A further SUPPLEMENT to an act, entitled "An act to enable the governor to incorporate a company to make an artificial road from the east end of Perkiomen bridge, in the county of Montgomery, passing through Pottsgrove, and by the White-horse tavern, in Amity township, to the borough of Reading, in Berks county."

150 shares of stock in the Perkiomen and Reading

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the first day of August next, the governor be, and he hereby is authorized and required to subscribe on behalf of this*

commonwealth, for one hundred and fifty shares of stock of the Perkiomen and Reading turnpike company, to be paid for in like manner, and subject to like provisions as are contained in the fourth section of an act, entitled "An act supplementary to an act, entitled "An act to enable the governor to incorporate a company to make an artificial road from the east end of Perkiomen bridge, in the county of Montgomery, passing through Pottsgrove, and by the White-horse tavern, in Amity township, to the borough of Reading in Berks county," passed the nineteenth day of February, one thousand eight hundred and eleven. 1812.

road to be
subscribed,
&c.

SECT. II. *And whereas* doubts have been entertained whether the third section of the act to which this act is supplementary, gives the stockholders the privilege of electing their officers annually, *Be it therefore enacted by the authority aforesaid,* That the stockholders in the said company shall meet on the first Monday in June next, and on the first Monday in June in every year thereafter, at such place as may be fixed on by their by-laws, for the purpose of choosing a president, twelve managers, a secretary, and treasurer for the ensuing year, and the officers now chosen shall continue to hold their respective appointments, and perform their several duties until the first Monday in June next, and until others are chosen: *Provided,* That no stockholder shall be entitled to vote, who hath not paid into the treasury of the said company, all the instalments on his subscription, which may have been called for and due more than thirty days.

When the
stockholders
shall meet,
&c.

Officers to be
chosen.

Provided,

Passed 31st March, 1812.

CHAPTER MMMDIX.

An ACT to authorize any incorporated bank within the city of Philadelphia, to make loans to the government of the United States.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the president and directors of any incorporated bank in the city of Philadelphia, in the capital stock of which this commonwealth hath an interest, may loan any sum or sums of money to the government of the United States, which in the opinion of the said president and directors, will not be prejudicial to the interest of such bank, any former law to the contrary notwithstanding: *Provided always,* That this commonwealth shall have the preference in obtaining loans, should the same be authorized by law for the purpose of advancing the quota of taxes, which may be required from this state, for the support of the government of the United States; and in order that said banks may at all times be in a situation to make such loan to this state, all loans as aforesaid, to be made by them to the United States, from either of the said incorporated banks, shall be regulated in their amount by the approbation of the governor: *And provided always,* That nothing in this act shall be

Incorporated
banks in the
city may
loan to the
general go-
vernment.

This com-
monwealth
to have pre-
ference.

Loans to be
approved by
the governor.

Provide.

1812. deemed or taken to authorize any of said banks to create debts amounting to more than double the amount of their capital stock, as provided by their respective charters of incorporation.

Passed 31st March, 1812.

CHAPTER MMMDLXI.

An ACT to vest the title of this commonwealth to a certain escheated estate in Robert Gregg.

SECT. 1. [A TRACT of land release] to Robert Gregg, in Pikerun township, Washington county, late the estate of William Gregg—Not to affect the interest of other individuals.]

Passed 31st March, 1812.

CHAPTER MMMDLXII.

An ACT to vest in Elizabeth Frantz the estate of Henry Money, late of Westmoreland county, deceased, escheated to this commonwealth.

SECT. 1. [CERTAIN claims of this commonwealth released in favour of Elizabeth Frantz, subject to the satisfaction of all just liens, debts, claims and demands of the heirs at law, of the said Henry Money, if any should hereafter appear.]

Passed 31st March, 1812.

CHAPTER MMMDLXIII.

A SUPPLEMENT to the act, entitled "An act to amend and consolidate with its supplements the act, entitled "An act for the recovery of debts and demands not exceeding one hundred dollars, before a justice of the peace, and for the election of constables and for other purposes.

SECT. I. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall be lawful for the Courts of General Quarter Sessions of the Peace of the counties of Butler, Erie, Crawford, Mercer, Venango, and Warren, in cases where a constable elect does not possess a clear freehold estate of the value of one thousand dollars, to appoint such person constable for the township to which he has been elected, if he shall become bound with one or more good and sufficient sureties, in any sum not less than four hundred dollars, nor more than one thousand dollars, according to the provisions of the act to which this act is a supplement, and if the said constable elect cannot procure, or refuses to give such security it shall be the duty

Constables elect in certain counties may be appointed, on giving security in 400 dollars.

of the said court to appoint some other fit person, who, if he does not possess a freehold estate as aforesaid, shall be bound in the like security, and for the like purposes: *Provided*, That if any constable elect, or other person appointed, shall, in the opinion of the court possess a clear freehold estate of the value of four hundred dollars, the said court shall admit him to be constable without giving the security aforesaid, if in their opinion, it will be safe and proper so to do, having due regard to the value of property in the said township and the business likely to be transacted by the said constable, any law to the contrary notwithstanding: *Provided*, That the constable elect shall always have the preference.

1812.

Courts may
appoint, &c.
A freehold of
400 dollars
sufficient.

Passed 31st March, 1812.

CHAPTER MMMDLXIV.

An ACT to enable the governor to incorporate a company for making an artificial road, by the best and nearest route, from the town plot of New-Baltimore, in the county of Bradford, to the New Milford turnpike, at or near the first mile stone of said turnpike.

SECT. 1. [COMMISSIONERS appointed. Books to be procured. Entry therein. Notice to be given. Two commissioners to attend. Who may subscribe, and how long the books to be kept open. May be transferred, from place to place. Notice to be given, and when the books shall be closed. Five dollars per share to be paid on subscribing, and how to be appropriated. 2. Commissioners to certify subscriptions, and the governor to issue letters of incorporation. Style of the company to be "The President, Managers and Company of the New-Baltimore turnpike road," with the usual corporate powers and privileges. 3. Notice to be given of organizing the company. Officers to be chosen. Managers to make by-laws, &c. and generally have like powers, authorities, and privileges, necessary for carrying on and completing the said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines, and forfeitures, and be entitled to like tolls and profits, in proportion to the distance as are given and granted to the president, managers, and company, of the Easton and Wilkes-Barrè turnpike road: *Provided*, That if the said company shall not proceed to carry on the said work in three years after the passing of this act, or shall not within ten years afterwards complete the said road, according to the true intent and meaning of this act, then in either of these cases, it shall and may be lawful for the legislature of this commonwealth to resume all and singular the rights, liberties, privileges and franchises, by this act granted to the said company.]

Passed 31st March, 1812.

1812.

CHAPTER MMMDLXV.

An ACT supplementary to an act, entitled "An act to authorize and direct the governor to incorporate a company, for erecting a permanent bridge over the river Schuylkill, at or near where the floating bridge of Abraham Sheridan, is at present situate, known by the name of the "Upper Ferry," in the county of Philadelphia."

SECT. 1. [WHEN the bridge may be erected over Schuylkill. 2. Additional stock allowed. 3. How the road shall be made. 4. Viewers to be appointed, and if the report be favourable, gates to be fixed and tolls exacted. 5. Rates of toll prescribed, not to exceed those of the Philadelphia and Lancaster road. 6. And the fourteenth and fifteenth sections of that act to be obligatory on the company. 7. Drivers to keep to the right, and penalty on offending. Original tract may be varied from.]

Passed 31st March, 1812.

CHAPTER MMMDLXVI.

An ACT to repeal and supply an act, entitled "An act to provide for the education of the poor, gratis;" passed the fourth day of April, one thousand eight hundred and nine, so far as the same operates on the city and county of Philadelphia.

WHEREAS circumstances peculiar to the city and some parts of the county of Philadelphia, render the general provisions of the act to provide for the education of the poor, gratis, oppressive to the inhabitants of that part of the state, and there is reason to fear its continuance would be attended with greater evils than it has yet produced: Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, it shall be the duty of the commissioners of Philadelphia county, before any children shall be sent to school by virtue of the act to which this is a supplement, to fix on the teacher or teachers to whose care such children shall be committed, and to furnish stationary, school-books, and other materials, necessary to them in the commencement and progress of their education; and the said commissioners shall have power to contract with such teacher or teachers for the price of tuition of said children, and also if they may think the public good or the education of the pupils will be thereby promoted, it shall and may be lawful for the said commissioners to establish public schools, in such manner, and under such regulations as shall be approved of by the select and common councils of the city of Philadelphia, the respective boards of commissioners of the township of the Northern-Liberties, and district of Southwark.

SECT. 11. *And be it further enacted by the authority aforesaid, That* the provisions of this act shall be confined to the city of Phi-

Commissioners of Philadelphia county, to fix on a teacher, &c.

Furnish stationary, school books, &c.

Of public schools, &c.

Jurisdiction of this act.

Philadelphia, district of Southwark, townships of the Northern-Liberties, Penn, Moyamensing, and Passyunk; and that so much of the act, entitled "An act to provide for the education of the poor, gratis," as is by this act altered or supplied, be, and the same is hereby repealed: *Provided always*, That nothing contained in this act shall be considered as vesting in the county commissioners, or any other persons or incorporate bodies, any power to prevent the free and impartial education of poor children gratis.

1812.
Repealing
clause.

Proviso:

Passed 31st March, 1812.

CHAPTER MMMDLXVII.

An ACT to incorporate the president and directors of the streets, lanes, and alleys, in the town of Lewisburgh, in the county of Northumberland.

SECT. 1. [TAXABLE inhabitants, where to meet, and when; and elect five citizens as directors of the streets, &c. Annual election. When the electors shall appoint two judges of the election, who shall certify the result to the officers elect. Of president and secretary. Penalty on refusal to serve. How vacancies shall be supplied. Style of the corporation to be "The president and directors of the streets, lanes and alleys of the town of Lewisburgh," with corporate powers, &c. By whom by-laws shall be signed, &c. To be published, and recorded, &c. Certificates of election recorded. 2. President, &c. authorized to open the streets, &c. and keep them in good repair. 3. Boundaries prescribed. All fines to be paid to the president, &c. Of taxes. 5. Exhibition of accounts, annually. How and by whom audited. How grievances may be redressed, by appeal to the sessions. 6. Power in the legislature to repeal. 7. Limitation for the recovery of fines, to be thirty days.]

Passed 31st March, 1812.

CHAPTER MMMDLXVIII.

An ACT to authorize the governor of this commonwealth to incorporate a company, for erecting a bridge over the river Tioga, at the village of Athens or Tioga-Point.

SECT. 1. [COMMISSIONERS appointed. To procure books, &c. And receive subscriptions. Five dollars to be paid on each share. 2. When one hundred shares are subscribed the commissioners may certify the same to the governor, who may thereupon incorporate the subscribers, by the style of "The President, Managers and Company, for erecting a bridge over the river Tioga, at Athens, or Tioga point," with the usual corporate powers. 3. The subscribers to be notified to meet and organize the corporation. Officers to be chosen. Number of votes limited. 4. The fourth,

1812. fifth, sixth, seventh, eighth, twelfth, fourteenth, and fifteenth sections of the act, entitled "An act to authorize the governor of this commonwealth to incorporate a company for erecting a bridge over the river Lehigh, near the town of Northampton," passed March 27th, 1797, are hereby declared to be equally binding and obligatory upon the said company intended to be incorporated by this act, except that part of the seventh section which directs publications in certain newspapers. 5 When the property in the bridge shall vest; and the right to demand and receive toll to be governed by the same rules which are prescribed by the ninth section of the aforesaid act, for erecting a bridge over the river Lehigh, near the town of Northampton."}]

Passed 31st March, 1812.

CHAPTER MMMDLXIX.

An ACT ascertaining the overplus land in the triangular tract, on Lake Erie, and for other purposes.

WHEREAS it appears that three hundred and ninety warrants for four hundred acres of land each amounting to one hundred and fifty-six thousand eight hundred and sixty and a half acres, are claimed by persons calling themselves the Population Company, were returned as being surveyed on lands within the triangular tract on lake Erie, and it further appears, after deducting the amount of said surveys, together with the state reservation, and sixteen tracts held by settlement, from the amount purchased from congress, that there remains a considerable balance unaccounted for, and for which balance the state has never given any grant, nor received any consideration; and it being of importance that justice should be done between the state and the citizens thereof,

SECT. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* in order that the quantity of one hundred and fifty-six thousand eight hundred and sixty and a half acres of land, and the usual allowance, as returned upon the three hundred and ninety warrants owned by the population company, be designated in the triangular tract on lake Erie, it shall be the duty of the surveyor-general to authorize a survey to be made, immediately after the first day of June, one thousand eight hundred and twelve, beginning at the west end of said triangle, and including all the lands between the old state line and lake Erie, excepting the state reserves, viz. the one at the town of Erie, and general Irwin's reserve, and any lands owned or settled by actual settlers who are not adverse to the original warrantees, leaving the overplus land if any there be, in one body lying on the lake, adjoining the York state line, and not extending more than one thousand two hundred and seventy-two perches, from the lake along the said state line, and extending up the said lake parallel therewith so as to include the whole of the

How the quantity of land granted in the triangular tract on lake Erie, and allowance for roads shall be designated.

The overplus land being ascertained, to be left in one body on the lake, &c.

overplus land, if any, a copy of which survey, noting improvements and settlements, shall be laid before the next legislature. 1812.

SECT. II. *And be it further enacted by the authority aforesaid,* That the deputy surveyor shall receive two dollars per mile for every mile he shall necessarily run in making said survey, as a full compensation for all expenses attending the same; and when made, return the same to the surveyor-general's office, in a connected draught or plan, which sum shall be paid by the state treasurer on warrants drawn by the auditor-general. Compensation to the deputy surveyor.

SECT. III. *And be it further enacted by the authority aforesaid,* That the officers of the land-office are hereby authorized to grant patents for fourteen out-lots of five acres each, situate and adjoining the out-lots of the first section of the town of Erie, and not included in Thomas Rees's survey, which was sold by the commissioner of sales without authority by law: *Provided,* the purchaser or purchasers, and the commissioner pay the purchase money thereon agreeably to the provision of the act under which the reserve lots were sold. Land-officers to grant patents for certain out lots. Proviso,

Passed 31st March, 1812.

CHAPTER MMMDLXX.

An ACT authorizing Bethuel Vincent, guardian of the minor daughters of Peter Housel, deceased, to sell a house and lot of ground in Milton, in the county of Northumberland, the property of the said minors.

SECT. 1. [THE guardian of the minor children of Peter Housel, deceased, authorized to sell and convey certain property, &c. Provided that he shall give bond with sufficient surety, to be approved by the Orphans' Court of the county aforesaid, that he will put the money arising therefrom, to interest, from year to year, or make such other use thereof as shall appear to said court best calculated to promote the interest of the said minors, which bond shall be filed in the Orphans' Court of the county aforesaid.]

Passed 31st March, 1812.

CHAPTER MMMDLXXI.

An ACT authorizing the Courts of Quarter Sessions of Butler and Mercer counties, to direct a review of parts of certain state roads therein mentioned.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the Court of Quarter Sessions of the county of Butler, is hereby authorized to appoint six viewers, which viewers shall meet at such time and place as the said court shall direct, whose duty it shall be Six persons to be appointed to be appointed to review part of the road from Butler to

1812.

Franklin,
&c.
Upon any al-
teration in
the route,
&c.

to review that part of the road from Butler to Franklin which lies between James Philips's lane, about six miles from Butler, to the county line of Venango, where the present road crosses said line, and if upon the report of the said viewers making any alteration in the route of the said road, and the courts should approve and confirm the same, a return of the lines of such alteration shall be filed in the office of the clerk of the said Court of Quarter Sessions of Butler county, and the said road so laid out shall thereafter be part of the road aforesaid, and that part rendered unnecessary thereby shall be vacated, and the expense of the viewers shall be paid by warrants drawn by the commissioners on the treasury of Butler county.

Three per-
sons to be
appointed to
review part
of the state
road, &c.

SECT. II. *And be it further enacted by the authority aforesaid,* That the Court of Quarter Sessions of the county of Mercer, be, and they are hereby authorized and required to appoint three viewers to review that part of the state road leading from the town of Mercer to the town of Butler, lying between the line dividing the counties of Mercer and Butler, and John McMullen's farm, in Mercer county; and said viewers shall take an oath or affirmation, to perform their duty with fidelity, and the like proceedings shall be had on their report, in every respect as is directed by the first section of this act.

Passed 31st March, 1812.

CHAPTER MMMDLXXIII.

An ACT dissolving the marriage of Elsa Middough, and Levi Middough.

SECT. 1. [MARRIAGE contract entered into by Elsa Middough, and Levi Middough, her husband, declared to be null and void, &c. but not to affect, &c. any children born during the co-venture.]

Passed 31st March, 1812.

CHAPTER MMMDLXXIV.

An ACT authorizing the sale of the real estate of John Hannah, deceased.

SECT. 1. [THE administrators of the estate of John Hannah, deceased, authorized to sell and convey certain property: *Provided,* That before they shall proceed to sell the said lands, they shall enter into bonds with sufficient surety, to be approved of by the Orphans' Court of the county of Allegheny, for the due execution of the trust hereby reposed in them, and for the faithful appropriation of the proceeds of the sale.]

Passed 31st March, 1812.

CHAPTER MMMDLXXV.

1812.

An ACT to authorize the governor to appoint commissioners to lay out a state road, beginning at the Burnt Cabins in Bedford county, thence to Waterford in Mifflin county, thence either to the mouth of Fishing creek, or to Clark's ferry, in Cumberland county.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the governor be, and he is hereby authorized to appoint three commissioners to lay out and mark a state road, beginning at the Burnt Cabins and running from thence by the nearest and best route to Waterford, in Mifflin county, thence the nearest and best route, either to the mouth of Fishing creek, or to Clark's ferry, on the Susquehanna, in the county of Cumberland; and the said commissioners shall proceed to perform the said service at such time as the governor shall direct, and they shall make out a draught of the said road, and deposit a copy of the same in the office of the clerk of the Court of Quarter Sessions, in each county through which the said road shall pass; and the said clerks respectively shall enter the same on the records, which shall be a record of said road, and from henceforth shall be to all intents and purposes a public highway, and shall be opened and kept in repair in the same manner as other roads laid out by the authority of the court in the counties aforesaid.

Governor to appoint three commissioners to lay out and mark a state road, &c.

Commissioners to make out a draught of the road, &c.

SECT. II. *And be it further enacted by the authority aforesaid, That* the said commissioners shall receive each, two dollars for every day they shall be necessarily employed in the service aforesaid, together with a reasonable compensation for the hands necessarily employed in surveying, chaining, and marking the lines of the aforesaid road; and the expense that may be so incurred in laying out and marking the same in each of the several counties through which it may pass, shall be paid by the counties respectively, on warrants drawn by the county commissioners of each, on the treasurer thereof, in favour of the commissioners to be appointed as aforesaid.

Compensation of the commissioners, &c.

Passed 31st March, 1812.

CHAPTER MMMDLXXVII.

An ACT to authorize the sale of the real estate of William O'Harra, a minor.

SECT. 1. [THE guardian of William O'Harra, a minor, empowered to sell and convey certain estate for the benefit of said minor; *Provided*, That the said guardian before he proceeds to sell and convey the same, shall enter into recognizance with sufficient security to be approved of by the judges of the Orphans' Court for the due and faithful performance of the trust and powers hereby granted.]

Passed 31st March, 1812.

1812.

CHAPTER MMMDLXXVIII.

An ACT to enable the governor to incorporate a company to make an artificial road from Gettysburgh to the western end of Miller's town, in Adams county.

SECT. 1. [COMMISSIONERS appointed. Books to be procured for entering subscriptions. Notice of opening the books, to be given. Two of the commissioners to attend. Who may subscribe; and how long the books may be kept open. Commissioners may adjourn, and transfer the books to other places, and notice to be given thereof. When two hundred shares are subscribed the books to be closed. Five dollars to be paid on each share subscribed for. 2. When fifty shares are subscribed for, commissioners to certify the same to the governor. Who shall issue his letters patent, incorporating the company by the style of "The President, Managers and Company, of the Gettysburgh and Miller's town turnpike road," with the usual corporate powers, &c. 3. Notice to be given of organizing the company. Officers to be chosen. Managers to make by-laws, &c. Power to survey, &c. and the company shall be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to like tolls and profits in proportion to the distance as are given and granted to the president, managers and company, of the Susquehanna and York borough turnpike road: *Provided*, That if the company shall not proceed to carry on the said work in three years after the passing of this act, or shall not within seven years afterwards complete the said road according to the true intent and meaning of this act, then in either of these cases, all and singular the rights, liberties and franchises, hereby granted to the said company, shall revert to this commonwealth.]

Passed 31st March, 1812.

CHAPTER MMMDLXXX.

An ACT enabling Elizabeth Wilson and George Spangler, a committee appointed by the Court of Common Pleas, of York county, to convey part of a certain tract of land to James Patterson.

SECT. 1. [GEORGE SPANGLER and Elizabeth Wilson, &c. empowered to execute a sufficient deed for all the estate of Thomas Wilson, a lunatic, in a certain tract of land, &c.]

Passed 31st March, 1812.

CHAPTER MMMDLXXXI.

An ACT to make perpetual the act, entitled "An act concerning contempts of court."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly*

met, and it is hereby enacted by the authority of the same, That ^{1812.} the act entitled "An act concerning contempts of court," passed the third day of April, one thousand eight hundred and nine, and every matter and thing therein mentioned, (except the limitation clause,) be, and the same is hereby made perpetual.

The act concerning contempts of courts, made perpetual except, &c.

Passed 31st March, 1812.

CHAPTER MMMDLXXXII.

An ACT to dissolve the marriage contract between William M'Glaughlin, and Isabella his wife.

SECT. 1. [THE marriage contract of William M'Glaughlin and Isabella his wife, dissolved, &c. *Provided*, nothing herein contained, shall be so construed or understood so as to render illegitimate the offspring of the said William and Isabella had during the coverture.]

Passed 31st March, 1812.

CHAPTER MMMDLXXXIII.

An ACT to authorize the governor to appoint commissioners for the purpose of laying out a state road.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* the governor be, and he is hereby authorized to appoint three disinterested commissioners, one of whom shall be a practical surveyor, but neither of them an inhabitant of Fayette or Greene counties, to lay out and mark a state road from the intersection of the state road, (leading from the white horse tavern on the top of the Allegheny mountain, through Berlin in Somerset county, and Connelville in Fayette county,) with the United States turnpike road, by the nearest and best route for a public road, to the town of Waynesburgh in Greene county, and thence by the nearest and best route to the western boundary of this state, in a proper direction towards the flats of Grave creek; and the said commissioners, or a majority of them, shall proceed to perform the duties by this act required of them, on or before the first Monday of June next, and shall cause a draught of the said road to be deposited in the office of the secretary of this commonwealth, and shall also deposit a copy of said draught in the office of the clerk of Quarter Sessions of the respective counties through which said road may pass, which shall be a record of said road, and from thenceforth shall be, to all intents and purposes, a public highway, and shall be opened and repaired in all respects as other roads are opened and repaired, which are laid out by order of the Court of Quarter Sessions, in said counties.

Governor to appoint three commissioners.

Their duty.

When to be performed.

And deposit a copy of the draught, &c.

1812.

Commissioners shall take an oath, &c.

When accounts shall be settled by the accountant officers,

SECT. 11. *And be it further enacted by the authority aforesaid,* That each of the said commissioners, before they enter upon the duties of their appointment, shall take and subscribe, before some justice of the peace, an oath or affirmation, faithfully and impartially to perform the duties required of them by this act; and they shall each receive two dollars for each day they shall be necessarily employed in the said work, together with a reasonable allowance for chain carriers, and one marker; and the accounts of said commissioners shall be adjusted and settled by the accountant officers, in the usual manner, and their accounts paid by the state treasurer out of the state funds.

Passed 31st March, 1812.

CHAPTER MMMDLXXXV.

An ACT to validate and confirm the proceedings of certain justices of the peace, of the county of Centre, and of Frederick Haymaker, a justice of the peace of the county of Crawford.

The acts of justices in certain cases validated.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That all acknowledgments of deeds, powers of attorney, and other instruments of writing, taken prior to the first of January, one thousand eight hundred and twelve, before justices of the peace who had been commissioned for districts within the counties of Mifflin, Northumberland Lycoming, or Huntingdon, which were included within the county of Centre, by the act for erecting the said county of Centre into a separate county, and all judgments rendered by the said justices prior to the said first day of January last, and all other the official and judicial acts of the said justices, be, and they are hereby declared to be valid and effectual to all intents and purposes, as if the said act had not been passed, or as if the said justices had been appointed and commissioned for the county of Centre; and all deeds and other instruments recorded, which were acknowledged before any justice of the peace aforesaid, the recording thereof is hereby declared to be as valid and effectual, to all intents and purposes, as the record of any other deed or conveyance within this commonwealth.

F. Haymaker's official acts made valid in Crawford county.

SECT. 11. *And be it further enacted by the authority aforesaid,* That all the official acts of Frederick Haymaker, a justice of the peace for Allegheny county, performed in and for Crawford county, be, and they are hereby confirmed, and made as valid as if he had been commissioned a justice of the peace for Crawford county; *Provided,* That no costs be recovered on any suit in his docket.

Passed 31st March, 1812.

CHAPTER MMMDLXXXVI.

An ACT for the relief of Catharine Fisher, widow of the late Garat Graff, deceased, an officer in the revolution.

SECT. 1. [FORTY dollars to Catharine Fisher, and an annuity of twenty dollars payable half yearly during her life.]

Passed 31st March, 1812.

CHAPTER MMMDLXXXVII.

1812.

An ACT to incorporate the Monongahela manufacturing society.

SECT. 1. [“THE Monongahela manufacturing society” incorporated. The yearly income not to exceed two thousand dollars. May establish by-laws, and exercise all lawful corporate powers, &c. 2. All estates, books, papers, &c. vested in the corporation. All contracts, &c. made before the passing of this act, shall be obligatory on the corporation. Every person liable to the association, shall be bound to the corporation, and suits may be mutually sustained on such contracts. 3. The stock of the corporation shall not exceed twenty thousand dollars. 4. How the affairs of the corporation shall be directed, and directors be chosen and when and where. First directors nominated, and the number of votes regulated; and if an election of directors shall not take place upon any day on which it is directed to be held by this act, the said corporation shall not on that account be dissolved, but it shall be lawful on any other day as soon as may be, to hold and make an election of directors, in such manner as shall have been regulated by the by-laws and ordinances of the said corporation. 5. To what uses the funds shall be applied, but the said company shall not directly or indirectly, issue in their corporate capacity, any notes in the nature of bank or cash notes, nor become endorsers to any negotiable paper in the nature of bills of exchange, or in any manner or way receive deposits of money or discount any note or notes after the manner of any bank or banks. 6. Stated meetings may be held, and special meetings on previous notice. 7. When dividends shall be declared, and individuals consenting to impair the capital stock, to be personally liable. 8. How legal transfers may be made. Persons purchasing stock entitled to a certificate. 9. Of committees, and their power. 10. A majority of stockholders may demand a statement of the funds. 11. Directors not to be sureties for officers or agents of the company. 12. The limitation of this act to be twenty years, &c.]

Passed 31st March, 1812.

CHAPTER MMMDLXXXVIII.

A further SUPPLEMENT to the act, entitled “An act to provide a more effectual method of settling the public accounts of the commissioners and treasurers of the respective counties.”

BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That when the accounts of the county commissioners, within the county of Lancaster, shall have been or may be settled by the auditors, according to the directions of the act to which this is a supplement, and the commissioners shall have appealed or may appeal from such settlement and an issue be directed thereon, it shall be the duty of the Court of Quarter Sessions, and they are hereby authorized in

When the commissioners of Lancaster county appeal from the settlement of their accounts the Court of Quarter Sessions may employ counsel, &c.

1812.
How compensated.

such case, to employ counsel, and to draw their order on the county treasurer, in favour of such counsel for such reasonable compensation as shall be agreed on for his services, which the said treasurer is hereby required and enjoined to pay out of the county stock ; but this act shall not be construed to extend to give any such power to the said court in any other case, than that of the county commissioners, appealing from the settlement of their own accounts, and by which the said commissioners are respectively made chargeable.

Passed 31st * March, 1812.

CHAPTER MMMDLXXXIX.

A SUPPLEMENT to the act, entitled “ An act granting certain privileges to, and enlarging the regiment of artillery, attached to the first brigade first division Pennsylvania militia, and for the better organization of the cavalry of the city and county of Philadelphia;” and for other purposes.

200 citizens
in any division,
when formed into
a regiment of
artillery,
may elect
officers.

of troops of
horse.

Proviso.

Quarter masters
first duty.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That whenever two hundred or more of the citizens residing within the bounds of any division of the militia of this commonwealth, shall hereafter associate and form themselves into a regiment of artillery, they shall be divided into eight companies, and shall be authorized to elect one lieutenant colonel commandant, and two majors, with the same staff and company officers as are authorized in the first section of the act to which this is a supplement ; and to each regiment so formed, there may be two troops of horse or flying artillery, and the military dress of the regiments so formed shall be the same as that prescribed for the first regiment : Provided always, That there shall not be more than one regiment to each brigade except in the first and second brigades of the first division, and every regiment so formed shall take rank, and be numbered according to seniority.*

SECT. II. *And be it further enacted by the authority aforesaid, That the quarter masters of the said regiments of artillery, are hereby authorized to procure from time to time, such books, implements, and apparatus, in the practice of gunnery for the use and benefit of the said regiments as the commandants thereof may deem necessary, and the expense thereof shall be paid out of the exempt fines, on warrants drawn by the commandants of the regiments on the treasurer of their respective counties, which shall be allowed the said treasurer in the settlement of his accounts : Provided, the same does not exceed the annual sum of one hundred dollars.*

In certain
cases company
trainings
admitted.

SECT. III. *And be it further enacted by the authority aforesaid, That in any regiment of the militia of this commonwealth, where the detached situation of companies renders it difficult (if not impracticable) to attend the regimental musters, the field officers may direct company or battalion trainings in lieu thereof.*

SECT. IV. *And be it further enacted by the authority aforesaid,* 1812.
That the enrolled militia of the townships of West Penn and Rush, in the county of Schuylkill, be, and they are hereby attached to the regiment now commanded by lieutenant colonel Bernard Kepner of Schuylkill county.

Certain militia attached to the regiment of Col. B. Kepner.

SECT. V. *And be it further enacted by the authority aforesaid,* Repealing section.
That so much of the acts to which this is a supplement, as are hereby altered or supplied, be, and the same are hereby repealed.

Passed 31st March, 1812.

CHAPTER MMMDXC.

An ACT making appropriations to defray certain expenses of government, and for other purposes.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That for the payment of expenses herein after mentioned, the following sums are hereby appropriated, to wit: for clerk hire in the office of the secretary of the commonwealth, for one year, one thousand five hundred dollars; for clerk hire in the office of the secretary of the land-office, for one year commencing the first of April, one thousand eight hundred and twelve, the sum of three thousand seven hundred dollars, which together with the permanent appropriation of sixteen hundred dollars, shall be expended by said officer in the employment of eight clerks in his office, if found necessary; for clerk hire in the office of the surveyor-general, for one year, commencing on the first day of April aforesaid, the sum of two thousand four hundred dollars, which, together with the permanent appropriation of two thousand dollars for that office, shall be expended by the said surveyor-general in the employment of seven clerks in his office, if found necessary; and the clerk hire aforesaid shall be paid quarterly in the usual manner; for contingent expenses in the office of the secretary of the commonwealth, for one year, eleven hundred dollars; for contingent expenses in the office of the secretary of the land office, for one year, two thousand two hundred dollars; for contingent expenses in the office of the surveyor-general, for one year, including the expenses of the board of property, six hundred dollars; and the sums hereby appropriated shall be paid by the state-treasurer, out of any money in the treasury; previous to which the officers holding the aforesaid offices, shall exhibit their accounts and vouchers for said expenditures to the accountant department, to be adjusted and settled.

Of clerk hire in the different offices of this state.


Of contingent expenses in this same.

SECT. II. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the surveyor-general to make report to the legislature during the first week of every session, of the business that shall have been performed in his office within the preceding year, together with the state of his office during that period.

Duty of surveyor general.

SECT. III. *And be it further enacted by the authority aforesaid,* That in case the business of the office of the state-treasurer at any

The state treasurer authorized to

1812.  time during the present year should require it, the state-treasurer is hereby authorized to employ an additional clerk: *Provided*, That his salary shall not exceed at the rate of eight hundred dollars per annum, which clerk shall be paid quarterly in the usual manner.

employ an additional clerk.

200 dollars to satisfy the claim of S. Hepburn.

SECT. IV. *And be it further enacted by the authority aforesaid*, That the sum of two hundred dollars be and the same is hereby appropriated for the discharge of the claim of Samuel Hepburn, for the trial of certain causes between this commonwealth and Pennsylvania claimants, and one thousand dollars for the discharge of such other miscellaneous claims against the commonwealth not otherwise provided for, as may be admitted in due course of settlement by the accountant officers: *Provided*, That it shall be the duty of the said officers to report specially to the next legislature, the nature and amount of the demand paid under the provisions of this section.

1000 dollars for miscellaneous claims.

Passed 31st March, 1812.

CHAPTER MMMDXCI.

An ACT to continue an act, entitled "An act to provide for the inspection of ground black oak bark, intended for exportation."

The act relative to ground black oak bark made perpetual.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That the act entitled an act to provide for the inspection of ground black oak bark intended for exportation, passed the third day of April, one thousand eight hundred and four, and every matter therein contained, except the limitations thereof, be and the same is hereby made perpetual.

Passed 31st March, 1812.

CHAPTER MMMDXCII.

An ACT to vest in Jacob Young, son of Christian and Lehma Young, of the township of Passyunk, and county of Philadelphia, the estate of John Hannis, deceased, who was also a son of the said Lehma.

Passed 31st March, 1812.

CHAPTER MMMDXCIII.

A SUPPLEMENT to an act, entitled "An act establishing an academy in the borough of Gettysburgh, in the county of Adams, and granting a sum of money thereto."

SECT. I. [STATE-TREASURER to pay to the treasurer of Gettysburgh academy, the money formerly appropriated, one half

to be expended in purchasing books, &c. and the other half vested in a productive fund towards the support of the teacher, &c.] 1812.

Passed 31st March, 1812.

CHAPTER MMMDXCIV.

A SUPPLEMENT to the act, entitled "An act to empower William Pennell, guardian of Matthias Richard Sayres, and Edward Smith Sayres, to sell and convey real estate belonging to the said minors."

SECT. 1. [SAMUEL ANDERSON the present guardian, &c. authorized to sell, &c.]

Passed 31st March, 1812.

CHAPTER MMMDXCV.

An ACT to facilitate the improving the great road, leading from Green's mill, in Dauphin county, over Peter's mountain, to Sunbury, in Northumberland county.

SECT. 1. [COMMISSIONERS of Dauphin to view a certain road. 2. And contract with persons to improve the same. Contractors to give bond. Elevation of the road not to exceed six and three quarter degrees on the south side, and six and an half on the north side, from an horizontal line.]

Passed 31st March, 1812.

CHAPTER MMMDXCVI.

A further SUPPLEMENT to the act, entitled "An act for the consolidation and amendment of the laws as far as they respect the poor of the city of Philadelphia, the district of Southwark, and the township of the Northern Liberties."

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That on every third Monday in May, and every third Monday in November, annually, the number of guardians of the poor appointed for the city of Philadelphia, shall be ten; the number of guardians of the poor appointed for the district of Southwark, shall be four; and the number of guardians of the poor appointed for the Northern Liberties, shall be six; which said guardians so appointed, shall be entitled to all the rights, and be subject to the like duties, fines, penalties and forfeitures, as are provided and enumerated in this act, as well as by an act, entitled "An act for the consolidation and amendment of the laws as far as they respect the poor of the city of Philadelphia, the district of Southwark, and the township of the Northern*

When and how many guardians of the poor shall be appointed, &c.

Their rights and duties, &c.

1812. Liberties," passed the twenty-ninth day of March, one thousand eight hundred and three, and in and by an act, entitled "A supplement to the act, entitled "An act for the consolidation and amendment of the laws as far as they respect the poor of the city of Philadelphia, the district of Southwark, and township of the Northern Liberties."

Any guardian may give relief.

SECT. II. *And be it further enacted by the authority aforesaid,* That any of the guardians of the poor may afford relief to the sudden necessity of any poor person, not exceeding eight dollars within three months; and it shall be the duty of the said guardians to state the circumstances of such case to the next general meeting of the guardians, and the said guardians or a majority of them, shall take measures to have such poor person or persons, in case of non-residents, to be removed to the place of legal settlement.

How a poor person may be admitted into the alms house, &c.

SECT. III. *And be it further enacted by the authority aforesaid,* That no person or persons shall be admitted into the alms house and house of employment before such person or persons shall have procured an order signed by one or more of the guardians of the poor, who shall therein state the reason and cause of such order, which shall be laid before the managers of the alms house and house of employment, when they shall next meet, who shall determine thereon as they shall think proper.

How a person may gain a legal settlement.

SECT. IV. *And be it further enacted by the authority aforesaid,* That no person who shall hereafter come from any state or territory of the United States, to inhabit in the said city, district or township, not having a legal settlement therein, except persons who shall heretofore have gained a legal settlement in the state of Pennsylvania, shall be adjudged and deemed to gain a legal settlement, but on the same terms and conditions on which such person would be entitled to gain a legal settlement in the state or territory from which such person shall have so removed, to the said city, district or township; and if any poor person coming from any other state to inhabit, or now inhabiting in the said city, district or township, shall be removed to his or her place of legal settlement, and shall return after such removal, to the said city, district or township, within one year from the date of such order of removal, such poor person or persons, on conviction thereof by the Mayor's Court of the city, or the Court of Quarter Sessions of the county as the case may be, shall for every such offence be imprisoned in the prison of the said city and county, not more than thirty days, nor less than ten days, and at the expiration of such period of imprisonment, be forthwith removed to his or her place of legal settlement.

Punishment for returning from legal settlement.

Under what circumstances the husband shall relieve and maintain his wife's father or grand father, mother or grand mother, &c.

SECT. V. *And be it further enacted by the authority aforesaid,* That the husband of every wife, whose father or grand father, mother or grand mother, children or grand children, shall be poor, blind, lame, impotent, or otherwise unable to maintain himself or herself, and being within the said city, district or township, not able to work, shall if of sufficient ability, at his or their own charges, relieve and maintain every such poor person as the Mayor's Court for the city, or the Court of Quarter Sessions for the county, where such persons reside, shall order and direct on pain of forfeiting seven dollars for every month he shall fail therein: *Provided,* That such

Forfeiture on neglect.
Provido.

relief so furnished by such husband, shall be demanded only where such husband shall have obtained possession of personal property, or be entitled to the rents and profits of real estate belonging to his said wife, and then only to the extent of the value of such property, so acquired by his marriage. 1812.

SECT. VI. *And whereas*, it sometimes happens that men separate themselves, without reasonable cause, from their wives, and desert their children, and women also desert their children, leaving them a charge on the said city, district and township, although such persons may have estates, rights and credits, which should contribute to the maintenance of such wives or children; *Be it therefore enacted by the authority aforesaid*, That it shall and may be lawful for the guardians of the poor in the said city, district and township, having first obtained a warrant or order from two aldermen of the said city, or from two of the justices of the peace of the county, residing in the said district or township, where such wife or children shall be so left or neglected, to take and seize so much of the goods and chattels, rights and credits, and receive so much of the annual rents and profits of the lands and tenements of such husband, father or mother, as such two aldermen or justices shall order and direct, for providing for such wife, and for maintaining and bringing up such child or children, which warrant or order being confirmed at the next Mayor's Court for the city, or Quarter Sessions for the county, it shall and may be lawful for the said court there to make an order for the guardians of the poor to dispose of such goods and chattels, rights and credits, by sale or otherwise, or so much of them for the purpose aforesaid, as the court shall think fit, to receive the rents and profits, or so much of them as shall be ordered by the said court, of his or her lands and tenements, for the purposes aforesaid, and if no real or personal estate, rights and credits of such husband, father or mother, can be found, wherewith provision may be made as aforesaid, it shall and may be lawful to and for the said court to order the payment of such sums as they shall think reasonable, for the maintenance of any wife or children so neglected, and commit such husband, father or mother, to the common gaol, there to remain until he or she comply with the said order, give security for the performance thereof, or be otherwise discharged by the said court; and on complaint made to any alderman of the city of Philadelphia, or to any justice of the peace residing in the district of Southwark, or township of the Northern Liberties, of any wife or children, there being so neglected, such alderman or justice shall take security from the husband, father or mother, neglecting as aforesaid, for his or her appearance at the next Mayor's Court, or Court of Quarter Sessions, there to abide the determination of the said court, and for want of security, to commit such persons.

SECT. VII. *And be it further enacted by the authority aforesaid*, That the said managers of the alms-house and house of employment, or a majority of them, shall have full power and authority to examine, under oath or affirmation, all poor persons residing or being in the said alms-house and house of employment, touching their place of legal settlement; and in case such poor person or persons

Where a wife or child is abandoned by the father, the guardian shall seize his estate.

How the estate shall be sold by order of the court.

Husband, father and mother, to be imprisoned until the order of the court is complied with.

Managers of the alms-house may examine persons residing therein.

1812.

Punishment
on refusing
to answer in-
terrogato-
ries.

shall refuse to take the said oath or affirmation, or shall refuse to answer such questions as shall be asked by the said managers, touching and relating to the said settlement, every such poor person or persons so offending, may be committed by the said managers, or a majority of them, to the public prison of the said city and county, not exceeding ninety days, or until they shall be released by the said managers, or otherwise discharged by due course of law; and in every case of commitment to the said prison under this section, the said managers are hereby enjoined and required, to make a written report thereof to the next meeting of the general board of the guardians of the poor.

Guardians of
the poor shall
have power
to execute a
warrant of
arrest in cer-
tain cases.

And appoint
their deputy.

How vacan-
cies may be
filled.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That each and all of the guardians of the poor of the said city, district and township, shall have full power and authority in all cases appertaining to their office, to receive and execute such warrants of arrest as may be issued by any alderman or magistrate of the said city, or justice of the peace of the county of Philadelphia, and to bring and carry the offender or offenders named therein, before the alderman or justice who issued such warrants, or before any other aldermen or magistrate of the said city, or justice of the said county, for examination; and each and all of the said guardians shall have full power and authority under his or their hand and seal, to constitute and appoint any person as his or their deputy, to execute such warrant.

The repeal-
ing section.

SECT. IX. *And be it further enacted by the authority aforesaid,* That in case the proper authorities appointed to fill vacancies in the general board of guardians, or either of them, shall neglect or refuse to fill the same within ten days after due notice given to them in writing, then it shall and may be lawful for the said board to appoint a suitable person or persons to fill the same; and the secretary of the said board shall give a written or printed notice to the person or persons so chosen; and the said person or persons shall be entitled to all the rights, and subject to the like duties, fines and forfeitures, as are granted or imposed by the act to which this is a further supplement.

SECT. X. *And be it further enacted by the authority aforesaid,* That so much of the first and sixteenth sections of the act to which this is a further supplement, and so much of the second section of the supplement to the said act, passed the first of April, one thousand eight hundred and five, as is herein before altered and amended, and the eleventh, fourteenth, and thirtieth sections of the said act, shall be, and the same are hereby repealed and made null and void.

Passed 31st March, 1812.

CHAPTER MMMDXCVII.

An ACT to erect Norristown in Montgomery county, into a borough.

SECT. 1. [NORRISTOWN erected into a borough, and its limits. 2. Persons entitled to vote, when to meet. And elect a

burgess, &c. Also judges and one inspector of the election. Who shall take an oath, &c. before they proceed to business. How vacancies are filled. 3. Style of the corporation to be, the "Burgess and Town Council of the Borough of Norristown," with the usual powers. 4. Penalty on refusing to serve as an officer. 5. Officers to take an oath, &c. to support the constitution, &c. 6. A majority of the town council to enact by-laws. Provided they be not repugnant to the constitution and laws of the United States and this state. Taxation not to exceed one half cent in the dollar in any one year, except for objects of general utility, &c. 7. How taxes shall be collected. Power of the burgess. 8. Duty of the town clerk. 9. The treasurer to give security for, &c. 10. How accounts shall be settled. 11. Constable to give notice of the elections. 12. How grievances may be redressed, by appeal to the next Sessions, on giving security, &c.] 1812.

Passed 31st March, 1812.

CHAPTER MMMDXCVIII.

An ACT concerning joint tenancy.

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* if partition be not made between joint tenants, whether they be such as might have been compelled to make partition or not, or of whatever kind the estates or thing holden or possessed be, the parts of those who die first shall not accrue to the survivors, but shall descend or pass by devise, and shall be subject to debts, charges, curtesy or dower, or transmissible to executors or administrators, and be considered to every other intent and purpose in the same manner as if such deceased joint tenants had been tenants in common : *Provided always, That nothing in this act shall be taken to affect any trust estate.*

Joint tenancy shall descend as the estates of tenants in common.

Passed 31st March, 1812.



APPENDIX.

No. I.

Vol. 1, pa. 208. Chap. 388.

SECT. 4. If any person or persons whatsoever, shall give or sell any rum, wine, or other strong liquors, at the time of any vendue, to any person or persons attending the same, he, she, or they, so selling or giving any liquors, shall forfeit and pay for the first offence, the sum of four pounds, and for the second and every other offence, the sum of five pounds.

SECT. 5. Every of the fines and forfeitures accruing or becoming due, for offences against this act, shall be paid, one half to the overseers of the poor, for the use of the poor of the township within which such offence may be committed, and the other half to the use of him or them, who shall inform or sue for the same, before any justice of the peace of this province, who is hereby empowered and authorized to hear and determine the same, and to convict the offender or offenders, either on his own view, or by the legal testimony of one or more witnesses; saving to every such offender or offenders the right of appeal in like manner as is provided in and by an act, entitled "An act for the more easy and speedy recovery of small debts"—which fines and forfeitures shall be recovered by distress and sale of the offender's goods, or for want of such distress, if the offender refuses to pay, he, she, or they shall be committed to prison for every such fine, where the same is twenty shillings, the space of eight days, without bail or mainprize, and so in proportion for any of the greater fines.

SECT. 6. *Provided*, that every such conviction be made within one month after such offence or offences committed.

Vol. 1, pa. 425. Chap. 707.

SECT. 8. It shall and may be lawful to and for the clerk of the market of any city, borough, or town, within this province, to weigh all butter brought into the same, to be sold by weight, which, if found deficient, the said clerk shall forthwith, in the presence of two reputable freeholders, weigh again, and if it appears to the said freeholders, that the said butter is under weight, the same shall be seizable; one third part thereof for the use of the said clerk, and the other two thirds for the use of the poor of the place where seized; and in case any owner or owners of butter so seized shall conceive him, her or themselves aggrieved by such seizure, he, she or they may appeal to any magistrate or justice of the city, borough or place, where such seizure is made, who shall hear, try and determine the same.

SECT. 9. The clerks of the several markets within this province, now in office, and all such clerks as shall hereafter be appointed, before they enter upon the execution of their office, shall take the following oath or affirmation, before some magistrate or justice of the city, borough or county, wherein they shall reside, viz. "That he will well and truly, to the best of his skill and judgment, do and perform all things enjoined and required of him as clerk of the market, by the laws of this province."

The following act being marked obsolete in the last edition, was inadvertently overlooked. But is in full force except as to the distribution of the Journals.

Vol. 3, page 512. Chap. 2286. [See post. pa. 400-1, res. No. 71.]

An ACT to provide for the distribution of the Laws and Journals of the General Assembly of this Commonwealth.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That*

the printers who shall publish the laws, agreeably to a resolution of the general assembly, passed this session, shall on or before the first day of June annually, deliver three thousand copies into the office of the secretary of this commonwealth, whereupon the governor shall draw his warrant on the state treasurer in favour of such printer, for such sum of money as shall have been previously agreed on for the printing of such laws.

SECT. II. *And be it further enacted by the authority aforesaid,* That the secretary of the commonwealth shall cause the said copies of the laws to be distributed in the following manner, to wit: Thirty copies thereof to the clerk of the senate, for the use of the senate and the members thereof respectively; one hundred copies to the clerk of the house of representatives, for the use of the house and members thereof respectively; and shall distribute the residue in manner following: To the prothonotary of the supreme court six copies, one thereof for each of the judges, one for the attorney-general, and one for himself; to the governor one, and retain one for the secretary's own use; to the secretary of the land-office, surveyor-general and receiver-general, each one copy; to the comptroller-general, register-general, state treasurer, and master of the rolls, one copy each; to the clerk of the mayor's court of the city of Philadelphia, forty copies; to the prothonotary of the county of Philadelphia, sixty copies; to the prothonotary of the county of Bucks, eighty-five copies; to the prothonotary of the county of Chester, ninety-five copies; to the prothonotary of the county of Lancaster, ninety-five copies; to the prothonotary of the county of Northampton, ninety copies; to the prothonotary of the county of York, seventy copies; to the prothonotary of the county of Cumberland, seventy-five copies; to the prothonotary of the county of Berks, ninety-five copies; to the prothonotary of the county of Bedford, fifty copies; to the prothonotary of the county of Northumberland, one hundred copies; to the prothonotary of the counties of Westmoreland and Armstrong, ninety copies; to the prothonotary of the county of Washington, one hundred copies; to the prothonotary of the county of Fayette, sixty copies; to the prothonotary of the county of Franklin, sixty copies; to the prothonotary of the county of Montgomery, eighty copies; to the prothonotary of the county of Dauphin, sixty-five copies; to the prothonotary of the county of Luzerne, sixty-five copies; to the prothonotary of the county of Huntingdon, sixty copies; to the prothonotary of Allegheny, including the counties of Beaver and Butler, one hundred copies; to the prothonotary of the county of Mifflin, fifty-five copies; to the prothonotary of the county of Delaware, fifty-five copies; to the prothonotary of the county of Lycoming, sixty copies; to the prothonotary of the county of Somerset, forty-five copies; to the prothonotary of the county of Greene, forty-five copies; to the prothonotary of the county of Wayne, forty copies; to the prothonotary of the county of Adams, fifty copies; to the prothonotary of the county of Centre, forty copies; and to the prothonotary of the counties of Crawford, Venango, Warren, Erie and Mercer, one hundred copies.

SECT. III. *And be it further enacted by the authority aforesaid,* That the printers of the journals of the senate and house of representatives, shall deliver the said journals into the office of the secretary of this commonwealth, on or before the first day of June annually; and the said secretary is hereby authorized and directed, after delivering to the clerks of the senate and house of representatives, a sufficient number of copies of the laws and journals, for the use of their respective houses and the members thereof, and also to the respective officers residing at the seat of government, to cause the remainder of the laws, agreeably to the proportion mentioned in the second section of this act, and the journals in proportion to the number of representatives each county may have in the legislature of this commonwealth, to be within one month after they have been delivered into his office, transmitted at the expense of the state, to the respective prothonotaries within the same, to be paid out of the funds appropriated for the support of government.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the prothonotaries of the respective counties, on receipt of the laws and journals annually, shall as soon as may be, give notice thereof, in a newspaper printed within such county, or where there is no such paper printed within such county, by advertisements posted up in different parts of the county, purporting that the laws and journals of the last session are ready to be delivered out by them, to the persons entitled to receive the same, agreeably to the provisions of this act; and the expense of publishing or advertising as aforesaid, shall be paid on orders drawn by the commissioners on the treasurer of such county, out of the county stock.

SECT. V. *And be it further enacted by the authority aforesaid,* That the prothonotaries of the respective counties shall distribute the laws and journals in the following manner and order, viz. One copy of each for himself and for the clerks of the different courts if the offices are divided; one to the register and recorder, if said offices are divided; one to the president and one to each of the associate justices of the court; one to the board of commissioners; and one copy of each to be delivered by such prothonotary, to each constable of the respective wards or townships for which such constable was elected or appointed, to be by such constable delivered into the hands of the person occupying the house where the township elections for the choice of constables are held; and it shall be the duty of such constable annually, under the penalty of five dollars for every neglect or refusal, to procure and lodge

the said copies of the laws and journals at such place of holding the elections as aforesaid, which laws and journals shall be kept at such house for the free inspection of every inhabitant, at all seasonable times, within such ward or township; and one copy of such laws and journals, if any journals be left after the aforesaid distribution, shall on application, be delivered to each justice of the peace, sheriff, county commissioner, treasurer, deputy surveyor, and brigade inspector, and to each associated library company; and the remainder, if any, shall be retained by such prothonotary, to supply deficiencies in any of the aforesaid offices: *Provided*, That the said prothonotaries respectively, shall not deliver any of said laws or journals without taking a receipt therefor, enjoining each officer receiving the same, to deliver them over to his successor, and such receipt shall be entered in a book by them prepared, at the expense of their respective counties.

SECT. VI. *And be it further enacted by the authority aforesaid*, That the secretary of the commonwealth shall retain all the surplus copies of the laws, and keep them in a secure place, for such use as the legislature shall from time to time direct.

SECT. VII. *And be it further enacted by the authority aforesaid*, That the act, entitled "An act providing for the distribution of the journals of the senate and of the house of representatives of this commonwealth," passed the ninth day of April, one thousand seven hundred and ninety-nine, and so much of any other act or acts of the general assembly, relating to the printing or distributing of the laws or journals of this commonwealth, as are hereby amended, altered or supplied, be, and the same are hereby repealed.

Passed 6th April, 1802.

RESOLUTIONS

Of the Legislature, now in force.

No. 33. RESOLVED, *by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met*, that the laws of this commonwealth, commencing with the fifth volume, also the journals and bills of future legislatures, shall hereafter be printed in form and manner following, viz.

I. The laws shall be printed in octavo form, with pica type, on medium paper, No. 2; each page to contain, including marginal references, not less than one thousand m's.

II. The journal shall be printed in octavo form, with pica type, on medium paper, No. 3; each page to contain not less than one thousand m's.

III. The bills shall be printed in folio, with pica type, and on foolscap paper, No. 2; each page to contain not less than six hundred m's of matter, exclusive of right spacing.

And the secretary of the commonwealth is hereby authorized, during the recess of the legislature, to receive proposals for printing the laws, journals and bills, as aforesaid, and other printing incident to the respective houses, which proposals shall be accompanied with sufficient securities for the proper execution of the work.

And it shall be the duty of the secretary of the commonwealth, to lay before the general assembly annually, as soon as the same shall be organized, such proposals as he shall have received during the recess of the legislature, for the printing of the journals and bills, with the name or names of the printers endorsed thereon; and he is hereby directed to lay the proposals for printing the laws of the present session before the governor, within one month after the passing of this resolution; and in future, on or before the second Tuesday in December annually.

Passed 19th February, 1802.

No. 35. Granting to C. W. Peale, during the pleasure of the legislature, the use of certain parts of the state-house, to display his museum.

Passed 17th March, 1801-2. (Pamphlet laws of the session of 1801-2.)

Note. This resolution is, in part, virtually repealed by an act passed 10th March, 1812. Vol. 5, pa. 313-14, by which the care of the state house yard is vested in the select and common councils.

No. 57. RESOLVED, *by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met*, that in addition to the present number of copies of the Journals of the general assembly, printed in the English language, there shall be six hundred copies printed and delivered into the office of the secretary of the commonwealth: *Provided*, the same be printed for ten dollars per sheet, for the present session.

Passed 12th January, 1807.

No. 60. RESOLVED, *by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met*, that it shall be the duty of the surveyor-general of the

commonwealth; on any application now made, or which hereafter shall be made by any board of commissioners of any of the counties in which donation or depreciation lands are situate, or by any person or persons whom any of the said boards of commissioners may appoint or direct to make application for any such board to the surveyor-general, for any connected draft, map or chart of any donation district, or depreciation district or districts, or part or parts of districts, that the surveyor-general on any such application, shall cause to be made out a correct, certified copy or copies for the use of such board of commissioners, as having so applied for the same, shall require or direct; and it shall be the duty of the surveyor-general also, to mark in any particular plot or draft delineated or represented on any general map, draft or chart of any donation district or districts, or part or parts thereof, the date or period of time that each particular tract of donation land has been drawn by and under the authority of an act of this commonwealth, dated the second day of April, one thousand eight hundred and two, entitled "An act to complete the benevolent intention of the legislature of this commonwealth, by distributing donation lands to all who are entitled thereto;" and should there not be convenient room to mark the dates of the respective tracts of land drawn under the aforesaid act, within the circumscribing lines of each tract so drawn respectively, then in such case, the surveyor-general shall mark the number thereof, and the date when drawn, annexed in some convenient place on the margin of the general draft or of a schedule thereunto annexed in such manner, that the commissioners of the respective counties may be able to ascertain the time that any such tract of land may have been drawn; for which service the surveyor-general is hereby authorized to receive four cents for each tract in every connected general draught of any donation or depreciation district, for the use of the commonwealth.

Passed 4th March, 1807.

No. 62. RESOLVED, *by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met*, that the secretary of the commonwealth is hereby authorized and required to distribute the journals printed in the German language to the commissioners of the several counties, in the manner following; *to wit*, for the city and county of Philadelphia four copies of the journal of each house, for the county of Bucks five, for the county of Chester eight, for the county of Delaware three, for the county of Lancaster thirty, for the county of York thirty, for the county of Cumberland twenty, for the county of Berks thirty-four, for the county of Northampton thirty-four, for the county of Wayne four, for the county of Northumberland twenty-two, for the county of Washington six, for the county of Westmoreland twenty-two, for the county of Armstrong four, for the county of Indiana four, for the county of Fayette six, for the county of Bedford thirteen, for the county of Franklin thirteen, for the county of Montgomery thirteen, for the county of Dauphin twenty-two, for the county of Luzerne four, for the county of Huntingdon ten, for the county of Allegheny six, for the county of Beaver two, for the county of Butler four for the county of Mifflin six, for the county of Somerset twenty-one, for the county of Cambria six, for the county of Greene four, for the county of Adams ten, for the county of Centre thirteen, for the county of Erie three, for the county of Warren four, for the county of Crawford four, for the county of Venango two, and for the county of Mercer four copies; to be distributed by the county commissioners respectively, in the following manner; to the several constables of the proper county, if the number ordered above shall be sufficient; if not sufficient, then to the constables of such townships where the greatest number of Germans reside, to be left by them at the house where township elections are annually held for the use of the electors thereof: *Provided*, that where the number of copies hereby granted to any county shall exceed the number of constables therein, then the remaining copies shall be distributed among the supervisors of the highways, and to such other persons throughout the county, as they shall conceive will use the same for the information of the people.

Passed 7th April, 1807.

No. 63. RESOLVED, *by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met*, that for the future, no law whatever shall be published in the newspapers, which shall be paid for out of the treasury of this commonwealth, unless directed by law.

Passed 9th April, 1807.

No. 71. RESOLVED, *by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met*, that the master of the rolls shall, and he hereby is directed to furnish to the secretary of the commonwealth a copy of every law and resolution deposited in his office for enrolment within fifteen days after he shall receive the same, in order that the printer of the laws may be furnished with copies in time to comply with the requisition of the first section of the act, entitled "An act to provide for the

distribution of the laws and journals of the general assembly of this commonwealth," passed April sixth, one thousand eight hundred and two. (*Ante*, in this appendix, chap. 2286, pa. 397.)

Passed 15th February, 1808.

No. 75. RESOLVED, *by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met*, that the secretary of the commonwealth shall distribute the laws of the United States, passed during the second session of the ninth congress, the property of this commonwealth, and the succeeding volumes of the laws of congress, which may become the property of this commonwealth, by virtue of a law of the United States, passed March the second, one thousand seven hundred and ninety-nine, in the following manner, until otherwise ordered by the legislature, *viz.* To the governor, secretary of the commonwealth, and deputy secretary, each of the officers of the land-office, the register and comptroller-general and state treasurer, each one copy. To each member of the legislature, and to each of the clerks, one. To the clerk of the senate, for the use of the senate, ten. To the clerk of the house of representatives for the use of that body, twenty-four : And that he distribute what shall remain in the manner prescribed by an act which provides for the distribution of the laws of the United States, passed March twenty-second, one thousand seven hundred and ninety-three.

Passed 23d December, 1808.

No. 92. Whereas the telescope and apparatus thereto belonging, the property of this commonwealth, were in pursuance of a resolution of the general assembly of the sixth of April, one thousand eight hundred and two, presented to Andrew Ellicott for his use, during the pleasure of the legislature ; *And whereas* it is proper that the same be placed under the care of an officer of the government, responsible for the safe keeping thereof ; Therefore,

Resolved by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, that the secretary of the commonwealth, be, and he is hereby authorized to demand and receive of and from Andrew Ellicott, the telescope and apparatus thereto belonging, the property of this commonwealth, and now in his possession, and to take proper care of the same, until otherwise disposed of by the legislature.

Passed 6th February, 1811.

No. 98. RESOLVED, *by the senate and house of representatives*, that the secretary of the commonwealth be, and he is hereby directed to [* furnish each member of the present legislature ; each of the judges of the circuit court of the United States, in and for the district of Pennsylvania, in the third circuit, the compiler, and the sergeant-at-arms of the house of representatives, with a copy of the laws of Pennsylvania, published by John Bioren, (excepting those members who have already been supplied ;) and that he shall also] furnish to each of the said judges, a copy of the laws passed at the present and each succeeding session of the legislature.

Passed 21st December, 1811.

[* Obsolete.]

RESOLUTIONS,

Passed since the adoption of the present Constitution, now obsolete—and where they may be found.

1. A resolution for printing the laws of the (then) present session, and transmitting them to the prothonotaries of the respective counties. April 9, 1791.—3 Dall. Ed. 103.
2. — for appointing a commissioner for superintending the settlement of the accounts of the state, with the United States, and to empower him to arrange a claim, respecting a sum of dollar money. April 13, 1791.—3 Dall. Ed. 103.
3. — authorizing the governor to appoint a person to take care of the state-house. April 13, 1791.—3 Dall. Ed. 104.
4. — for printing and distributing the laws of the (then) present session. September 30, 1791.—3 Dall. Ed. 171.
5. — for delivering possession of the old powder magazine to the corporation of Philadelphia, &c. September 30, 1791.—3 Dall. Ed. 171.
6. — authorizing the governor to appoint commissioners to lay out a road from Philadelphia to Lancaster. September 30, 1791.—3 Dall. Ed. 172.

7. A resolution for appointing joint committees for examining, and disposing of certain certificates—redeemed, or exchanged. February 9, 1793.—3 Dall. Ed. 435.
8. — for nominating and electing a federal senator. February 23, 1793.—3 Dall. Ed. 436-7.
9. — for distributing Howell's maps of Pennsylvania. April 11, 1793.—5 Dall. Ed. 438.
10. — directing the master of the rolls to furnish the original laws for republication, to be returned to him in like condition. April 11, 1793.—5 Dall. Ed. 439.
11. — appointing a time, place, and manner of electing a senator to represent the state, in the senate of the United States. March 31, 1794.—3 Dall. Ed. 618.
12. — for printing and delivering to the secretary of the commonwealth, certain acts relating to elections, and forwarding them to the militia, in service. September 23, 1794.—3 Dall. Ed. 644.
13. — for republishing the acts passed in the first and second sessions of the legislature under the present constitution. April 1, 1795.—3 Dall. Ed. 792.
14. — for appointing a time, place, and manner of electing a federal senator. February 25, 1795.—3 Dall. Ed. 792.
15. — authorizing the secretary of the commonwealth to cause 100 copies of the third vol. of the laws of the commonwealth to be bound and distributed. December 23, 1795.—4 Dall. Ed. 86.
16. — for choosing a federal senator. February 14, 1797.—4 Dall. Ed. 177.
17. — requiring the secretary of the commonwealth to distribute the laws of the United States. August 29, 1797.—4 Dall. Ed. 186.
18. — requiring the secretary of the commonwealth to deliver the laws of the United States to the members of the legislature. April 4, 1798.—4 Dall. Ed. 312.
19. — for printing the election law, in English and German. March 20, 1799.—4 Dall. Ed. 519.
20. — requiring the secretary of the commonwealth to deliver copies of the laws to the members of the legislature. March 20, 1799.—4 Dall. Ed. 520.
21. — directing the secretary of the commonwealth to distribute the act to regulate the general elections. April 11, 1799. 4 Dall. Ed. 520.
22. — directing the secretary of the commonwealth to distribute the laws of the United States. March 12, 1800.—4 Dall. Ed. 616.
23. — authorizing and directing the governor to instruct the attorney-general to except to the jurisdiction of the supreme court of the commonwealth, in a suit brought by the Rev. Dr. Ewing, plaintiff, against the commonwealth, defendant. March 15, 1800.—4 Dall. Ed. 617.
24. — empowering the governor to appoint three commissioners, for the purpose of obtaining permission from the state of Delaware, to have a canal cut between the bays of Delaware and Chesapeake. January 23, 1801.—4 Dall. Ed. 710.
25. — authorizing the secretary of the commonwealth to distribute the laws of the United States. February 10, 1801.—4 Dall. Ed. 712.
26. — relative to the election of a senator of the United States. February 14, 1801.—4 Dall. Ed. 711.
27. — respecting the distribution of Reed's abridgment of the laws of Pennsylvania. February 26, 1801.—4 Dall. Ed. 712.
28. — extending the time of the payment of the first instalment of the loan with the bank of Pennsylvania, under the act of April 11, 1799. February 26, 1801.—4 Dall. Ed. 713.
29. — relative to the election of a senator of the United States. December 14, 1801. Pamphlet laws, session of 1801-2, page 276.
30. — relative to an application to the secretary of state, for a copy of the last census of this state. January 23, 1802.—Pamphlet laws, session of 1801-2, page 278.
31. — to instruct the senators of this state, in the United States, to endeavor to procure a repeal of an act of congress respecting the Judiciary. February 10, 1802.—Pamphlet laws, session of 1801-2, page 278.
32. — relative to the printers of the reports of the treasurer, comptroller, and register-general. February 19, 1802.—Pamphlet laws, session of 1801-2, page 280.
33. — authorizing counsel to assist the attorney-general, in defending the rights of the commonwealth, in the trial of two causes, *viz.* Turnbull v. Commonwealth, and controller-general, and Rittenhouse's heirs, &c. February 19, 1802.—Pamphlet laws, session of 1801-2, page 282.
34. — requesting the governor to present to Andrew Ellicott, Esq. for his use during the pleasure of the legislature, the telescope, the property of this state, &c. April 6, 1802.—Pamphlet laws, session of 1801-2, page 285.
35. — relative to the state of Maryland granting half tolls to the Susquehanna Canal Company, on produce going down the Susquehanna. April 6, 1802.—Pamphlet laws, session of 1801-2, page 285.
36. — authorizing the transportation of the desks and chairs, the property of this commonwealth, which were lately occupied by congress, from the city of Philadel-

phia to the seat of government. March 30, 1803.—Pamphlet laws, session of 1802-3, page 674.

39. A resolution empowering the governor to employ counsel, to assist in defending an ejectment brought by the late proprietors against persons resident in the reputed manor of Springettsbury, in the county of York—in the circuit court of the United States. April 4, 1803.—Pamphlet laws, session of 1802-3, page 675.
40. — respecting the distribution of certain copies of the trial of Alexander Addison. April 4, 1803.—Pamphlet laws, session of 1802-3, page 676.
41. — requiring the Comptroller-general to lay before the legislature, a statement of such proceedings, if any, as have been had, agreeably to a resolution passed 18th February, 1802. (The resolution referred to is No. 34, in this table) December 28, 1803.—Pamphlet laws, session of 1803-4, page 524.
42. — for distributing the laws of the state, printed by Mathew Carey and John Bioren. January 14, 1804.—Pamphlet laws, session of 1803-4, page 525.
43. — authorizing the Comptroller-general to employ counsel, to prosecute the suit brought by the Commonwealth *v.* Rittenhouse's heirs, &c. March 19, 1804.—Pamphlet laws, session of 1803-4, page 527.
44. — respecting the printing of the laws in the newspapers, at the public expense. April 2, 1804.—Pamphlet laws, session of 1803-4, page 528.
45. — for the printing of certain laws, extending the jurisdiction of the justices of the peace. April 2, 1804.—Pamphlet laws, session of 1803-4, page 529.
46. — for the further distribution of Carey and Bioren's edition of the laws of Pennsylvania. April 3, 1804.—Pamphlet laws, session of 1803-4, page 530.
47. — for the further distribution of Carey and Bioren's edition of the laws of Pennsylvania. January 8, 1805.—Pamphlet laws, session of 1804-5, page 287.
- for the distribution of laws of the United States of the first session of the Eighth Congress, and of the acts of assembly of 1801-2-3. March 25, 1805.—Pamphlet laws, session of 1804-5, page 289.
48. — for the purchase of a certain number of Duane's edition of the trial of three of the judges of the Supreme Court. March 25, 1805.—Pamphlet laws, session of 1804-5, page 290.
49. — relative to the distribution of a sufficient number of copies of the further supplement to the militia law. April 4, 1805.—Pamphlet laws, session of 1804-5, page 291.
50. — for the further distribution of Carey and Bioren's edition of the laws of Pennsylvania. January 9, 1806.—Pamphlet laws, session of 1805-6, page 679.
51. — authorizing the secretary of the commonwealth to apply to the clerk of the Circuit Court of the United States, for certified copies of certain papers. February 8th, 1806.—Pamphlet laws, session of 1805-6, page 680.
52. — directing the secretary of the commonwealth to transmit to each member of the legislature a copy of the laws passed during the session of 1805-6. March 28th, 1806.—Pamphlet laws, session of 1805-6, page 680.
53. — authorizing the secretary of the commonwealth to procure one hundred and fifty copies of Hamilton's trial of the three judges of the Supreme Court. March 31st, 1806.—Pamphlet laws, session of 1805-6, page 681.
54. — appointing James Ross and James Hopkins, counsels for the inhabitants of Springettsbury Manor. March 31st, 1806.—Pamphlet laws, session of 1805-6, page 682.
55. — directing the expenditure of certain monies by the commissioners of the counties of Huntingdon, Cambria, &c. &c. March 31st, 1806.—Pamphlet laws, session of 1805-6, page 685.
56. — directing the distribution of Hamilton's trial of the judges of the Supreme Court. March 31st, 1806.—Pamphlet laws, session of 1805-6, page 684.
58. — directing a further distribution of Carey and Bioren's edition of the laws, and also of the trial of the judges of the Supreme Court. January 26th, 1807.—Pamphlet laws, session of 1806-7, page 298.
60. — directing the distribution of the 7th volume of the laws printed by John Bioren, and of the laws of the United States passed during the second session of the eighth congress. March 4th, 1807.—Pamphlet laws, session of 1806-7, page 299.
61. — relative to the prohibition of the importation of slaves into the United States. March 19th, 1807.—Pamphlet laws, session of 1806-7, page 301.
64. — directing such members of the legislature to be furnished with the laws of 1806-7, as may apply at the secretary's office for the same. April 10, 1807.—Pamphlet laws, session of 1806-7, page 304.
65. — directing the governor to transmit to the president of the United States, a copy of the act authorizing a road to be opened through this state between Cumberland in Maryland and the river Ohio. April 10, 1807. Pamphlet laws, 1806-7, pa. 304.
66. — relative to illegal impositions at the ports of Natchez and New Orleans. April 13th, 1807.—Pamphlet laws, session of 1806-7, page 304.

67. A Resolution directing the publication of the militia law. April 13th, 1807.—Pamphlet laws, session of 1806-7, page 305.
68. — directing the publication and distribution of the act relative to domestic attachments. December 18th, 1807.—Pamphlet laws, session of 1807-8, page 187.
69. — directing members of the legislature to be furnished with the 7th volume of Carey and Bioren's edition of the laws who have not heretofore received the same: also one copy to the clerk of the house of representatives. December 18th, 1807. Pamphlet laws, session of 1807-8, page 187.
70. — directing the distribution of the laws of the United States, passed during the first session of the ninth congress. February 1st, 1808.—Pamphlet laws, session of 1807-8, page 188.
72. — directing a further distribution of Carey and Bioren's edition of the laws amongst the Judges and Justices, to be delivered over to their successors in office. March 28th, 1808.—Pamphlet laws, session of 1807-8, page 189.
73. — directing a distribution of the laws of the session of 1807-8 and of Bioren's 8th volume, amongst the members of the then legislature. March 28th, 1808.—Pamphlet laws, session of 1807-8, page 189.
74. — directing certain laws to be published in the newspapers. March 28th, 1808.—Pamphlet laws, session of 1807-8, page 190.
76. — approbating the proceedings of the general government, in relation to foreign powers. December 23d, 1808.—Pamphlet laws, session of 1808-9, page 197.
77. — directing the secretary of the commonwealth to distribute the 7th and 8th volumes of Bioren's edition of the laws. January 24th, 1809.—Pamphlet laws, session of 1808-9, page 198.
78. — directing the secretary of the commonwealth to procure forty sets of Carey and Bioren's edition of the laws. February 8th, 1809.—Pamphlet laws, session of 1808-9, page 198.
79. — directing the secretary of the commonwealth to procure thirty-nine copies of the minutes of the convention that framed the present constitution. February 23d, 1809.—Pamphlet laws, 1808-9, page 199.
80. — Instructing our senators, and requesting our representatives in congress, to endeavour to obtain a law regulating weights and measures. March 29th, 1809.—Pamphlet laws, 1808-9, page 199.
81. — directing the secretary of the commonwealth to forward the laws of the session of 1808-9, and the second session of the 10th Congress, to the respective prothonotaries, to be delivered to the members, &c. of that legislature. April 3d, 1809. Pamphlet laws, session of 1808-9, page 199.
82. — respecting the case of Gideon Olmstead and others. April 3d, 1809.—Pamphlet laws, session of 1808-9, page 200.
83. — directing the secretary to distribute certain copies of the German Digest of the laws. April 4th, 1809.—Pamphlet laws, session of 1808-9, page 210.
84. — directing the attorney-general to appear in the Supreme Court, on behalf of the state, on an application for a mandamus respecting the Mammoth Farm. April 4th, 1809.—Pamphlet laws, session of 1808-9, page 210.
85. — directing suits to be brought against the Managers of the Susquehanna and Perkiomen bridge Lottery. March 10th, 1810.—Pamphlet laws, session of 1809-10, page 234.
86. — approbating the administration of the general government, and expressing the opinion of the legislature as to the conduct of France and Great Britain, and pledging the legislature to support the general government in case of an appeal to arms. March 19th, 1810.—Pamphlet laws, session of 1809-10, page 234.
87. — appointing commissioners to review a road from Kelso's ferry to the Maryland line. March 20th, 1810.—Pamphlet laws, session of 1809-10, page 235.
88. — directing the auditor-general and state treasurer to lay before the next legislature, a statement of certain balances. March 20th, 1810.—Pamphlet laws, session of 1809-10, page 236.
89. — nonconcurring a resolution of Massachusetts, proposing an amendment to the constitution of the United States, respecting laws for laying an embargo, except for a limited time. March 20th, 1810.—Pamphlet laws, session of 1809-10, page 236.
90. — directing the secretary of the commonwealth to forward the laws of the session of 1809-10 to the members of that legislature. March 20th, 1810. Pamphlet laws, session of 1809-10, page 237.
91. — instructing the senators, and requesting the representatives in congress, to oppose the renewal of the charter of the bank of the United States, or any bank being chartered by congress in any of the states, without the consent of the legislature thereof. January 11th, 1811.—Pamphlet laws, session of 1810-11, page 268.
93. — directing the secretary to deliver to each member of the legislature, a copy of the laws of congress, passed during the session of 1809-10. March 18th, 1811.—Pamphlet laws, session of 1810-11, page 270.

94. A resolution directing the distribution of certain copies of the new edition of the laws of Pennsylvania; and to retain the residue, subject to the future disposition of the legislature. March 20th, 1811.—Pamphlet laws, session of 1810-11, page 270.
95. — respecting the trial of an issue, in the Supreme Court of the Eastern District, relative to the Mammoth Farm. April 2nd, 1811.—Pamphlet laws, session of 1810-11, page 271.
96. — directing the laws of the session of 1810-11, to be forwarded to the members of that legislature. April 2nd, 1811.—Pamphlet laws, session of 1810-11, page 272.
97. — respecting the British orders in council, and the policy of Great Britain—respecting American manufactures—approbating the proceedings of the general government, and pledging the support of Pennsylvania, in case of an appeal to arms. December 14th, 1811.—Pamphlet laws, session of 1811-12, page 260.
99. — instructing the senators, and requesting the representatives in congress to procure, for the several states, the aid of congress, in opening canals, and facilitating a free and general intercourse between the different parts of the United States. February 10th, 1812.—Pamphlet laws, session of 1811-12, page 262-3.
100. — directing the attorney general to prepare a bill to consolidate the penal laws, and to suggest alterations therein, to be laid before the next legislature. March 3d, 1812. Pamphlet laws, session of 1811-12, page 263.
101. — directing the auditor general to settle the accounts of J. Bioren, and C. Smith, and the treasurer to pay the same. March 6th, 1812.—Pamphlet laws, session of 1811-12, page 263.
102. — directing the secretary of the commonwealth, and of the land-office, and surveyor general, to compare the extracts from official records, in the new edition of the laws, and to make out other extracts, &c. March 27th, 1812.—Pamphlet laws, session of 1811-12, page 264.
103. — appropriating 800 dollars for the settlement of certain disputes, arising out of the sales of Nicholson's lands. March 27th, 1812.—Pamphlet laws, session of 1811-12, page 265.
104. — enjoining certain duties on public officers, to return the bills of fees respectively received by them, to the secretary of the commonwealth, to be laid before the next legislature. March 31st, 1812.—Pamphlet laws, session of 1811-12, page 266.
105. — respecting the distribution of the new edition of the laws. March 31st, 1811-12.—Pamphlet laws, session of 1811-12, page 266.

APPENDIX,

No. II.

No. I.

The Royal Charter granted to William Penn, Esq. Proprietary and Governor of Pennsylvania.

CHARLES the second, by the grace of God, King of England, Scotland, France and Ireland, defender of the faith, &c. To all to whom these presents shall come, Greeting:

Whereas our trusty and well beloved subject William Penn, Esq. son and heir of Sir William Penn, deceased (out of a commendable desire to enlarge our English empire, and promote such useful commodities as may be of benefit to us and our dominions, as also to reduce the savage natives by gentle and just manners to the love of civil society and christian religion) hath humbly besought leave of us to transport an ample colony unto a certain country hereinafter described, in the parts of America not yet cultivated and planted; and hath likewise humbly besought our royal Majesty, to give, grant, and confirm all the said country, with certain privileges and jurisdictions requisite for the good government and safety of the said country and colony, to him and his heirs for ever:

SECTION I.

Know ye, therefore, that we (favouring the petition and good purpose of the said William Penn, and having regard to the memory and merits of his late father in divers services, and particularly to his conduct, courage, and discretion, under our dearest brother James Duke of York, in that signal battle and victory fought and obtained against the Dutch fleet, commanded by the Heer Van Opdam, in the year 1665: In consideration thereof of our special grace, certain knowledge and mere motion) have given and granted, and by this our present charter, for us, our heirs and successors, do give and grant unto the said William Penn, his heirs and assigns, all that tract or part of land in America, with all the islands therein contained, as the same is bounded on the east by Delaware river, from 12 miles distance northwards of New-Castle town unto the three and fortieth degree of northern latitude, if the said river doth extend so far northward; but if the said river shall not extend so far northwards, then by the said river so far as it doth extend; and from the head of the said river the eastern bounds are to be determined by a meridian line, to be drawn from the head of the said river unto the said three and fortieth degree. The said lands to extend westwards five degrees in longitude, to be computed from the said eastern bounds; and the said lands to be bounded on the north by the beginning of the three and fortieth degree of northern latitude, and on the south by a circle drawn at 12 miles distance from New-Castle northwards; and westwards unto the beginning of the fortieth degree of northern latitude, and then by a straight line westwards to the limits of longitude, above mentioned.

SECT. II.

We do also give and grant unto the said William Penn, his heirs and assigns, the free and undisturbed use and continuance in, and passage unto, and out of all and singular ports, harbours, bays, waters, rivers, isles and inlets, belonging unto, or leading to and from the country or islands aforesaid, and all the soil, lands, fields, woods, underwoods, mountains, hills, fens, isles, lakes, rivers, waters, rivulets, bays and inlets, situate or being within, or belonging unto the limits and bounds aforesaid, together with the fishing of all sorts of fish, whales, sturgeons, and all royal and other fishes, in the seas, bays, inlets, waters or rivers, within the premises, and the fish therein taken; and also all veins, mines and quarries, as well discovered as not discovered, of gold, silver, gems and precious stones, and all other whatsoever, be it stones, metals or of any other thing or matter whatsoever, found or to be found within the country, isles or limits aforesaid.

SECT. III.

And him, the said William Penn, his heirs and assigns, we do by this our royal charter, for us, our heirs and successors, make, create and constitute the true and absolute proprietaries of the country aforesaid, and of all other the premises: Saving always to us, our heirs and successors, the faith and allegiance of the said William Penn, his heirs and assigns, and of all other the proprietaries' tenants and inhabitants, that are or shall be within the territories and precincts aforesaid; and saving always unto us, our heirs and successors, the sovereignty of the aforesaid countries; to have, hold, possess and enjoy the said

tract of land, country, isles, inlets, and other the premises, unto the said William Penn, his heirs and assigns, to the only proper use and behoof of the said William Penn, his heirs and assigns, for ever, to be holden of us, our heirs and successors, Kings of England, as of our castle of Windsor, in our county of Berks, in free and common socage, by fealty only for all services, and not in capite, or by knights service: Yielding and paying therefor to us, our heirs and successors, two beaver skins, to be delivered at our said castle of Windsor, on the first day of January in every year; and also the fifth part of all gold and silver ore which shall from time to time happen to be found within the limits aforesaid, clear of all charges. And of our further grace, certain knowledge, and mere motion, we have thought fit to erect, and we do hereby erect the aforesaid country and islands into a province and seigniory, and do call it Pennsylvania, and so from henceforth we will have it called.

SECT. IV.

And forasmuch as we have hereby made and ordained the aforesaid William Penn, his heirs and assigns, the true and absolute proprietaries of all the lands and dominions aforesaid, know ye, therefore, that we (reposing special trust and confidence in the fidelity, wisdom, justice and provident circumspection of the said William Penn) for us, our heirs and successors, do grant free, full and absolute power, (by virtue of these presents) to him and his heirs, and to his and their Deputies and Lieutenants, for the good and happy government of the said country, to ordain, make and enact, and under his and their seals to publish any laws whatsoever, for the raising of money for the public use of the said province, or for any other end, appertaining either unto the public state, peace or safety of the said country, or unto the private utility of particular persons, according unto their best discretion, by and with the advice, assent and approbation of the freemen of the said country, or the greater part of them or of their delegates or deputies, whom for the enacting of the said laws, when and as often as need shall require, we will that the said William Penn, and his heirs, shall assemble in such sort and form, as to him and them shall seem best, and the same laws duly to execute, unto and upon all people within the said country and limits thereof.

SECT. V.

And we do likewise give and grant unto the said William Penn, and his heirs, and to his and their deputies and lieutenants, such power and authority to appoint and establish any judges and Justices, Magistrates and other officers whatsoever, for what causes soever (for the probates of wills, and for the granting of administrations within the precincts aforesaid) and with what power soever, and in such forms as to the said William Penn, or his heirs shall seem most convenient: Also to remit, release, pardon and abolish (whether before judgment or after) all crimes and offences whatsoever, committed within the said country against the said laws (treason and wilful and malicious murder only excepted, and in those cases to grant reprieves, until our pleasure may be known therein) and to do all and every other thing and things, which unto the complete establishment of justice, unto courts and tribunals, forms of judicature, and manner of proceedings, do belong, although in these presents express mention be not made thereof; and by Judges by them delegated, to award process, hold pleas, and determine in all the said courts and tribunals all actions, suits and causes whatsoever, as well criminal as civil, personal, real and mixed; which laws, so as aforesaid to be published, our pleasure is, and so we enjoin, require and command, shall be most absolute and available in law; and that all the liege people and subjects of us, our heirs and successors, do observe and keep the same inviolable in those parts, so far as they concern them, under the pain therein expressed, or to be expressed. Provided nevertheless, That the said laws be consonant to reason, and be not repugnant or contrary, but (as near as conveniently may be) agreeable to the laws, statutes and rights of this our Kingdom of England; and saving and reserving to us, our heirs and successors, the receiving, hearing, and determining of the appeal and appeals of all or any person or persons, of, in, or belonging to the territories aforesaid, or touching any judgment to be there made or given.

SECT. VI.

And forasmuch as in the Government of so great a country, sudden accidents do often happen, whereunto it will be necessary to apply a remedy, before the freeholders of the said province, or their delegates or deputies, can be assembled to the making of laws; neither will it be convenient that instantly, upon every such emergent occasion, so a great multitude should be called together: Therefore (for the better government of the said country) we will and ordain, and by these presents, for us, our heirs and successors, do grant unto the said William Penn, and his heirs, by themselves, or by their magistrates and officers, in that behalf duly to be ordained as aforesaid, to make and constitute fit and wholesome ordinances from time to time, within the said country to be kept and observed, as well for the preservation of the peace, as for the better government of the people there inhabiting; and publicly to notify the same to all persons, whom the same doth or any way may concern. Which ordinances, our will and pleasure is, shall be observed inviolably within the said province, under the pains therein to be expressed, so as the said ordinances be consonant to reason, and be not repugnant nor contrary, but (so far as conveniently may be) agreeable with the laws of our kingdom of England, and so as the said ordinances be not extended in any sort to bind, charge, or take away the right or interest of any person or persons, for or in their life, members, freehold, goods or chattels. And our further will and pleasure is, that the laws for regula-

ting and governing of property within the said province, as well for the descent and enjoyment of lands, as likewise for the enjoyment and succession of goods and chattels, and likewise as to felonies, shall be and continue the same, as they shall be for the time being by the general course of the law in our kingdom of England, until the said laws shall be altered by the said William Penn, his heirs or assigns, and by the freemen of the said province, their delegates or deputies, or the greater part of them.

SECT. VII.

And to the end that the said William Penn, or heirs, or other the planters, owners or inhabitants of the said province, may not at any time hereafter (by misconstruction of the powers aforesaid) through inadvertency, or design, depart from that faith and due allegiance, which by the laws of this our realm of England, they and all our subjects, in our dominions and territories, always owe unto us, our heirs and successors, by colour of any extent or largeness of powers hereby given, or pretended to be given, or by force or colour of any laws hereafter to be made in the said province, by virtue of any such powers; our further will and pleasure is, that a transcript or duplicate of all laws, which shall be so as aforesaid made and published within the said province, shall within five years after the making thereof be transmitted and delivered to the privy council, for the time being, of us, our heirs and successors: And if any of the said laws, within the space of six months after that they shall be so transmitted and delivered, be declared by us, our heirs or successors, in our or their privy council, inconsistent with the sovereignty or lawful prerogative of us, our heirs or successors, or contrary to the faith and allegiance due to the legal government of this realm, from the said William Penn, or his heirs, or of the planters and inhabitants of the said province, and that thereupon any of the said laws shall be adjudged and declared to be void by us, our heirs or successors, under our or their privy seal, that then and from thenceforth, such laws, concerning which such judgment and declaration shall be made, shall become void: Otherwise the said laws so transmitted shall remain and stand in full force, according to the true intent and meaning thereof.

SECT. VIII.

Furthermore, that this new colony may the more happily increase, by the multitude of people resorting thither; therefore we, for us, our heirs and successors, do give and grant by these presents, power, licence and liberty unto all the liege people and subjects, both present and future, of us, our heirs and successors (excepting those who shall be especially forbidden) to transport themselves and families unto the said country, with such convenient shipping as by the laws of this our kingdom of England they ought to use, and with fitting provision, paying only the customs therefor due, and there to settle themselves, dwell and inhabit, and plant, for the public and their own private advantage.

SECT. IX.

And furthermore, that our subjects may be the rather encouraged to undertake this expedition with ready and cheerful minds, know ye, that we, of our especial grace, certain knowledge, and mere motion, do give and grant, by virtue of these presents, as well unto the said William Penn, and his heirs, as to all others who shall from time to time repair unto the said country, with a purpose to inhabit there, or to trade with the natives of the said country, full licence to lade and freight in any ports whatsoever, of us, our heirs and successors according to the laws made or to be made within our kingdom of England, and into the said country, by them, their servants or assigns, to transport all and singular their goods, wares and merchandizes, as likewise all sorts of grain whatsoever, and all other things whatsoever, necessary for food or clothing, not prohibited by the laws and statutes of our kingdoms and dominions to be carried out of the said kingdoms, without any let or molestation of us, our heirs and successors; or of any the officers of us, our heirs and successors, saving always to us, our heirs and successors, the legal impositions, customs, and other duties and payments, for the said wares and merchandize, by any law or statute due or to be due to us, our heirs and successors.

SECT. X.

And we do further, for us, our heirs and successors, give and grant unto the said William Penn, his heirs and assigns, free and absolute power to divide the said country and islands into towns, hundreds and counties, and to erect and incorporate towns into boroughs, and boroughs into cities, and to make and constitute fairs and markets therein, with all other convenient privileges and immunities, according to the merit of the inhabitants, and the fitness of the places, and to do all and every other thing and things touching the premises, which to him or them shall seem requisite and meet, albeit they be such as of their own nature might otherwise require a more especial commandment and warrant than in these presents is expressed.

SECT. XI.

We will also, and by these presents, for us, our heirs and successors, we do give and grant licence by this our charter unto the said William Penn, his heirs and assigns, and to all the inhabitants and dwellers in the province aforesaid, both present and to come, to import or unlade, by themselves or their servants, factors or assigns, all merchandizes and goods whatsoever, that shall arise of the fruits and commodities of the said province, either by land or

sea, into any of the ports of us, our heirs or successors, in our kingdom of England, and not into any other country whatsoever: And we give him full power to dispose of the said goods in the said ports; and if need be, within one year next after the unlading of the same, to lade the said merchandizes and goods again into the same or other ships, and to transport the same into any other countries, either of our dominions or foreign, according to law; provided always, that they pay such customs and impositions, subsidies and duties for the same, to us, our heirs and successors, as the rest of our subjects of our kingdom of England, for the time being, shall be bound to pay, and do observe the acts of navigation, and other laws in that behalf made.

SECT. XII.

And furthermore, of our more ample and especial grace, certain knowledge, and mere motion, we do, for us, our heirs, and successors, grant unto the said William Penn, his heirs and assigns, full and absolute power and authority to make, erect and constitute, within the said province and the isles and inlets aforesaid, such and so many sea-ports, harbours, creeks, havens, keys, and other places for discharge and unlading of goods and merchandizes out of the ships, boats and other vessels, and lading them into such and so many places, and with such rights, jurisdictions, liberties and privileges, unto the said ports belonging, as to him and them shall seem most expedient; and that all and singular the ships, boats and other vessels which shall come for merchandize and trade unto the said province, or out of the same, shall depart, shall be laden or unladen only at such ports as shall be erected and constituted by the said William Penn, his heirs or assigns, any use, custom or other thing to contrary notwithstanding. Provided, that the said William Penn, and his heirs, and the Lieutenants and Governors for the time being, shall admit and receive in and about all such ports, havens, creeks and keys, all officers and their deputies, who shall from time to time be appointed for that purpose by the farmers or commissioners of our customs for the time being.

SECT. XIII.

And we do further appoint and ordain, and by these presents, for us, our heirs and successors, we do grant unto the said William Penn, his heirs and assigns, that he the said William Penn, his heirs and assigns, may from time to time for ever have and enjoy the customs and subsidies, in the ports, harbours, and other creeks and places aforesaid, within the province aforesaid, payable or due for merchandizes and wares there to be laded and unladed, the said customs and subsidies to be reasonably assessed upon any occasion, by themselves and the people there as aforesaid to be assembled, to whom we give power by these presents, for us, our heirs and successors, upon just cause and in a due proportion, to assess and impose the same; saving unto us, our heirs and successors, such impositions and customs, as by act of Parliament are and shall be appointed.

SECT. XIV.

And it is our farther will and pleasure, that the said William Penn, his heirs and assigns, shall from time to time constitute and appoint an attorney or agent, to reside in or near our city of London, who shall make known the place where he shall dwell, or may be found, unto the Clerks of our privy Council for the time being, or one of them, and shall be ready to appear in any of our courts at Westminster, to answer for any misdemeanors that shall be committed, or by any wilful default or neglect permitted, by the said William Penn, his heirs or assigns, against our laws of trade and navigation; and after it shall be ascertained in any of our said courts what damages we, or our heirs or successors, shall have sustained by such default or neglect, the said William Penn, his heirs or assigns, shall pay the same within one year after such taxation, and demand thereof from such attorney: Or in case there shall be no such attorney by the space of one year, or such attorney shall not make payment of such damages within the space of one year, and answer such other forfeitures and penalties within the said time, as by the acts of Parliament in England are and shall be provided, according to the true intent and meaning of these presents, then it shall be lawful for us, our heirs and successors, to seize and resume the government of the said province or country, and the same to retain until payment shall be made thereof: But notwithstanding any such seizure or resumption of the government, nothing concerning the propriety or ownership of any lands, tenements, or other hereditaments, or goods or chattels of any of the adventurers, planters or owners, other than the respective offenders there, shall any way be affected or molested thereby.

SECT. XV.

Provided always, and our will and pleasure is, that neither the said William Penn, nor his heirs, or any other the inhabitants of the said province, shall at any time hereafter have or maintain any correspondence with any other king, prince or state, or with any of their subjects, who shall then be in war against us, our heirs and successors; nor shall the said William Penn, or his heirs, or any other the inhabitants of the said province, make war, or do any act of hostility against any other king, prince or state, or any of their subjects, who shall then be in league or amity with us, our heirs or successors.

SECT. XVI.

And because in so remote a country, and situate near many barbarous nations, the incur-

sions as well of the savages themselves as of other enemies, pirates and robbers, may probably be feared; therefore we have given, and for us, our heirs and successors, do give power by these presents unto the said William Penn, his heirs and assigns, by themselves or their Captains or other their officers, to levy, muster and train all sorts of men, of what condition or wheresoever born, in the said province of Pennsylvania, for the time being, and to make war, and to pursue the enemies and robbers aforesaid, as well by sea as by land, yea even without the limits of the said province, and by God's assistance to vanquish and take the same, and being taken to put them to death by the law of war, or to save them, at their pleasure, and to do all and every other act and thing which to the charge and office of a Captain-General of an army belongeth or hath accustomed to belong, as fully and freely as any Captain-General of an army hath ever had the same.

SECT. XVII.

And furthermore, of our especial grace, and of our certain knowledge and mere motion, we have given and granted, and by these presents, for us, our heirs and successors, do give and grant unto the said William Penn, his heirs and assigns, full and absolute power, licence and authority, that he, the said William Penn, his heirs and assigns, from time to time hereafter forever, at his or their will or pleasure, may assign, alien, grant, demise, or enfeof of the premises so many and such parts and parcels, to him or them that shall be willing to purchase the same, as they shall think fit, to have and to hold to them, the said person or persons willing to take or purchase, their heirs and assigns, in fee-simple or fee-tail, or for the term of life, or lives or years, to be held of the said William Penn, his heirs and assigns, as of the said seignior of Windsor, by such services, customs and rents, as shall seem fit to the said William Penn, his heirs and assigns, and not immediately of us, our heirs or successors.

SECT. XVIII.

And to the same person or persons, and to all and every of them, we do give and grant by these presents, for us, our heirs and successors, licence, authority and power, that such person or persons may take the premises, or any parcel thereof, of the aforesaid William Penn, his heirs or assigns, and the same hold to themselves, their heirs and assigns, in what estate of inheritance soever, in fee-simple or in fee-tail, or otherwise, as to him, the said William Penn, his heirs and assigns, shall seem expedient: The statute made in the parliament of Edward, son of king Henry, late king of England, our predecessor (commonly called *The Statute qui emptores terrarum*, lately published in our kingdom of England) in anywise notwithstanding.

SECT. XIX.

And by these presents we give and grant licence unto the said William Penn, and his heirs, likewise to all and every such person and persons, to whom the said William Penn or his heirs, shall at any time hereafter grant any estate of inheritance as aforesaid, to erect any parcels of land within the province aforesaid into manors, by and with the licence to be first had and obtained for that purpose, under the hand and seal of the said William Penn, or his heirs; and in every of the said manors to have and to hold a Court-Baron, with all things whatsoever which to a Court-Baron do belong, and to have and to hold view of frank-pledge for the conservation of the peace and the better government of those parts, by themselves or their stewards, or by the lords for the time being of other manors, to be deputed when they shall be erected, and in the same to use all things belonging to the view of frank-pledge. And we do further grant licence and authority, That every such person and persons, who shall erect any such manor or manors as aforesaid, shall or may grant all or any part of his said lands to any person or persons in fee-simple, or any other estate of inheritance, to be held of the said manors respectively, so as no further tenures shall be created; but that upon all further and other alienations thereafter to be made, the said lands so aliened shall be held of the same lord and his heirs, of whom the alienor did then before hold, and by the like rents and services which were before due and accustomed.

SECT. XX.

And further our pleasure is, and by these presents, for us, our heirs and successors, we do covenant and grant to and with the said William Penn, his heirs and assigns, that we, our heirs and successors, shall at no time hereafter set or make, or cause to be set, any imposition, custom or other taxation, rate or contribution whatsoever, in and upon the dwellers and inhabitants of the aforesaid province, for their lands, tenements, goods or chattels within the said province, or in and upon any goods and merchandize within the said province, or to be laden or unladen within the ports or harbours of the said province, unless the same be with the consent of the Proprietary, or chief Governor and Assembly, or by act of Parliament in England.

SECT. XXI.

And our pleasure is, and for us, our heirs and successors, we charge and command, that this our declaration shall from henceforward be received and allowed, from time to time, in all our courts, and before all the judges of us, our heirs and successors for a sufficient and lawful discharge, payment and acquittance; commanding all and singular the officers and ministers of us, our heirs and successors, and enjoining them, upon pain of our highest displeasure, that they do not presume at any time to attempt any thing to the contrary of the

premises, or that they do in any sort withstand the same, but that they be at all times aiding and assisting, as is fitting, unto the said William Penn, and his heirs, and to the inhabitants and merchants of the province aforesaid, their servants, ministers, factors and assigns, in the full use and fruition of the benefit of this our charter.

SECT. XXII.

And our further pleasure is, and we do hereby, for us, our heirs and successors charge and require, that if any of the inhabitants of the said province, to the number of twenty shall at any time hereafter be desirous, and shall by any writing, or by any person deputed for them, signify such their desire to the bishop of London, that any preacher or preachers, to be approved of by the said bishop, may be sent unto them for their instruction; that then such preacher or preachers shall and may be and reside within the said province, without any denial or molestation whatsoever.

SECT. XXIII.

And if perchance hereafter any doubt or question should arise, concerning the true sense or meaning of any word, clause or sentence, contained in this our present charter, we will, ordain and command, that at all times and in all things, such interpretations be made thereof, and allowed in any of our courts whatsoever, as shall be adjudged most advantageous and favourable unto the said William Penn, his heirs and assigns: Provided always, no interpretation be admitted thereof, by which the allegiance due unto us, our heirs and successors, may suffer any prejudice or diminution; although express mention be not made in these presents of the true yearly value, or certainty of the premises, or of any part thereof, or of other gifts and grants made by us our progenitors or predecessors unto the said William Penn; or any statute, act, ordinance, provision, proclamation, or restraint heretofore had, made, published, ordained or provided, or any other thing, cause or matter whatsoever, to the contrary thereof in anywise notwithstanding. In witness whereof we have caused these our letters to be made patents: Witness ourself, at Westminster, the fourth day of March, in the three and thirtieth year of our reign.

By writ of Privy Seal,

PIGOTT.

[Compared with and corrected by the original Charter, deposited in the office of the secretary of the commonwealth. February 21st, 1812.]

Editor.

Note. The original Charter is not divided into sections: nor is the old orthography preserved.

No. II.

Certain CONDITIONS or CONCESSIONS, agreed upon by William Penn, Proprietary and Governor of the province of Pennsylvania, and those who are the adventurers and purchasers in the same province, the eleventh of July, one thousand six hundred and eighty-one.

First. That so soon as it pleaseth God that the aforesaid persons arrive there, a certain quantity of land or ground-plat shall be laid out for a large town or city, in the most convenient place upon the river for health and navigation; and every purchaser and adventurer shall, by lot have so much land therein, as will answer to the proportion which he hath bought or taken up upon rent: But it is to be noted, that the surveyors shall consider, what roads or highways will be necessary to the cities, towns, or through the lands. Great roads from city to city, not to contain less than forty feet in breadth, shall be first laid out and declared to be for highways, before the dividend of acres be laid out for the purchaser, and the like observation to be had for the streets in the towns and cities, that there may be convenient roads and streets preserved, not to be encroached upon by any planter or builder, that none may build irregularly, to the damage of another. In this, custom governs.

Secondly. That the land in the town be laid out together, after the proportion of ten thousand acres of the whole country, that is, two hundred acres, if the place will bear it: However, that the proportion be by lot, and entire, so as those that desire to be together, especially those that are by the catalogue laid together, may be so laid together, both in the town and country.

Thirdly. That when the country lots are laid out, every purchaser, from one thousand to ten thousand acres, or more, not to have above one thousand acres together, unless in three years they plant a family upon every thousand acres; but that all such as purchase together, lie together; and if as many as comply with this condition, that the whole be laid out together.

Fourthly. That where any number of purchasers, more or less, whose number of acres amounts to five or ten thousand acres, desire to sit together in a lot or township, they shall have their lot or township cast together, in such places as have convenient harbours or navigable rivers attending it, if such can be found; and in case any one or more purchasers plant, not according to agreement in this concession, to the prejudice of others of the same township,

upon complaint thereof made to the Governor or his Deputy, with assistance, they may award (if they see cause) that the complaining purchaser may, paying the survey-money, and purchase-money and interest thereof, be entitled, inrolled, and lawfully invested in the lands so not seated.

Fifthly. That the proportion of lands that shall be laid out in the first great town or city, for every purchaser, shall be after the proportion of ten acres for every five hundred acres purchased, if the place will allow it.

Sixthly. That notwithstanding there be no mention made in the several deeds made to the purchasers, yet the said William Penn does accord and declare, that all rivers, rivulets, woods and underwoods, waters, water-courses, quarries, mines and minerals (except mines royal) shall be freely and fully enjoyed, and wholly by the purchasers into whose lot they fall.

Seventhly. That for every fifty acres that shall be allotted to a servant at the end of his service, his quitrent shall be two shillings per annum, and the master or owner of the servant, when he shall take up the other fifty acres, his quitrent shall be four shillings by the year, or if the master of the servant (by reason in the indentures he is so obliged to do) allot out to the servant fifty acres in his own division, the said master shall have on demand allotted him from the Governor the one hundred acres, at the chief rent of six shillings per annum.

Eighthly. And for the encouragement of such as are ingenious and willing to search out gold and silver mines in this province, it is hereby agreed, that they have liberty to bore and dig in any man's property, fully paying the damage done; and in case a discovery should be made, that the discoverer have one fifth, the owner of the soil (if not the discoverer) a tenth part, the Governor two fifths, and the rest to the public treasury, saving to the king the share reserved by patent.

Ninthly. In every hundred thousand acres, the Governor and Proprietary, by lot, reserveth ten to himself, which shall lie but in one place.

Tenthly. That every man shall be bound to plant or man so much of his share of land as shall be set out and surveyed, within three years after it is so set out and surveyed, or else it shall be lawful for new comers to be settled thereupon, paying to them their survey-money, and they go up higher for their shares.

Eleventhly. There shall be no buying and selling, be it with an Indian, or one among another, of any goods to be exported, but what shall be performed in public market, when such places shall be set apart or erected, where they shall pass the public stamp or mark. If bad ware, and prized as good, or deceitful in proportion or weight, to forfeit the value, as if good and full weight and proportion, to the public treasury of the province, whether it be the merchandize of the Indian, or that of the planters.

Twelfthly. And forasmuch as it is usual with the planters to overreach the poor natives of the country in trade, by goods not being good of the kind, or debased with mixtures, with which they are sensibly aggrieved, it is agreed, whatever is sold to the Indians, in consideration of their furs, shall be sold in the market place, and there suffer the test, whether good or bad; if good, to pass; if not good, not to be sold for good, that the natives may not be abused nor provoked.

Thirteenthly. That no man shall, by any ways or means, in word or deed, affront or wrong any Indian, but he shall incur the same penalty of the law, as if he had committed it against his fellow planter; and if any Indian shall abuse, in word or deed, any planter of this province, that he shall not be his own judge upon the Indian, but he shall make his complaint to the Governor of the province, or his Lieutenant or Deputy, or some inferior magistrate near him, who shall, to the utmost of his power, take care with the king of the said Indian, that all reasonable satisfaction be made to the said injured planter.

Fourteenthly. That all differences between the planters and the natives shall also be ended by twelve men, that is, by six planters and six natives, that so we may live friendly together as much as in us lieth, preventing all occasions of heart-burnings and mischief.

Fifteenthly. That the Indians shall have liberty to do all things relating to improvement of their ground, and providing sustenance for their families, that any of the planters shall enjoy.

Sixteenthly. That the laws, as to slanders, drunkenness, swearing, cursing, pride in apparel, trespasses, distresses, replevins, weights and measures, shall be the same as in England, till altered by law in this province.

Seventeenthly. That all shall mark their hogs, sheep, and other cattle, and what are not marked within three months after it is in their possession, be it young or old, it shall be forfeited to the Governor, that so people may be compelled to avoid the occasion of much strife between planters.

Eighteenthly. That in clearing the ground, care be taken to leave one acre of trees for every five acres cleared, especially to preserve oak and mulberries, for silk and shipping.

Nineteenthly. That all ship-masters shall give an account of their countries, names, owners, freights and passengers, to an officer to be appointed for that purpose, which shall be registered within two days after their arrival; and if they shall refuse so to do, that then none presume to trade with them, upon forfeiture thereof; and that such masters be looked upon as having an evil intention to the province.

Twentiethly. That no person leave the province, without publication being made thereof in the market-place, three weeks before, and a certificate from some Justice of the Peace, of his clearness with his neighbours and those he hath dealt withal, so far as such an assurance can be attained and given: And if any master of a ship shall, contrary hereunto, receive and carry away any person that hath not given that public notice, the said master shall be liable to all debts owing by the said person so secretly transported from the province. Lastly, that these are to be added to, or corrected, by and with the consent of the parties hereunto subscribed.

WILLIAM PENN.

Sealed and delivered in the presence of

William Boelham,
Harbert Springet,
Thomas Prudyard.

Sealed and delivered in the presence of all the proprietors who have hereunto subscribed, except Thomas Farrinborough and John Goodson, in the presence of

Hugh Chamberlen,
R. Murray,
Harbert Springet,

HUMPHREY SOUTH,
THOMAS BARKER,
SAMUEL JOBSON,
JOHN JOSEPH MOORE,
WILLIAM POWELL,
RICHARD DAVIE,
GRIFFITH JONES,
HUGH LAMBE,
THOMAS FARRINBOROUGH,
JOHN GOODSON.

No. III.

The CHARTER of PRIVILEGES granted by William Penn, Esq. to the inhabitants of Pennsylvania and territories.

WILLIAM PENN, Proprietary and Governor of the province of Pennsylvania and territories thereunto belonging, to all to whom these presents shall come, sendeth greeting:—Whereas King Charles the Second, by his letters patents, under the great seal of England, bearing date the fourth day of March, in the year one thousand six hundred and eighty, was graciously pleased to give and grant unto me, my heirs and assigns, for ever, this province of Pennsylvania, with divers great powers and jurisdictions for the well government thereof.

And whereas the King's dearest brother, James Duke of York and Albany, &c. by his deeds of feoffment, under his hand and seal duly perfected, bearing date the twenty-fourth day of August, one thousand six hundred eighty and two, did grant unto me, my heirs and assigns, all that tract of land, now called the territories of Pennsylvania, together with powers and jurisdictions for the good government thereof.

And whereas, for the encouragement of all the freemen and planters, that might be concerned in the said province and territories, and for the good government thereof, I, the said William Penn, in the year one thousand six hundred eighty and three, for me, my heirs and assigns, did grant and confirm, unto all the freemen, planters and adventurers therein, divers liberties, franchises and properties, as by the said grant, entituled, The frame of the government of the province of Pennsylvania, and territories thereunto belonging in America, may appear; which charter or frame being found, in some parts of it, not so suitable to the present circumstances of the inhabitants, was, in the third month, in the year one thousand seven hundred, delivered up to me, by six parts of seven of the freemen of this province and territories in General Assembly met, provision being made in the said charter for that end and purpose.

AND whereas I was then pleased to promise, that I would restore the said charter to them again, with necessary alterations, or, in lieu thereof, give them another, better adapted to answer the present circumstances and conditions of the said inhabitants; which they have now, by their Representatives in General Assembly met at Philadelphia, requested me to grant.

KNOW ye therefore, that for the further well being and good government of the said province and territories; and in pursuance of the rights and powers before mentioned, I, the said William Penn, do declare, grant and confirm, unto all the freemen, planters and adventurers, and other inhabitants in this province and territories, these following liberties, franchises and privileges, so far as in me lieth, to be held, enjoyed and kept, by the freemen, planters and adventurers, and other inhabitants of and in the said province and territories thereunto annexed, forever.

First. Because no people can be truly happy, though under the greatest enjoyment of civil liberties, if abridged of the freedom of their consciences, as to their religious profession and worship: And Almighty God being the only Lord of conscience, father of lights and spirits, and the author as well as object of all divine knowledge, faith and worship, who only doth enlighten the mind, and persuade and convince the understandings of people, I do

hereby grant and declare, that no person or persons, inhabiting in this province or territories, who shall confess and acknowledge one Almighty God, the creator, upholder and ruler of the world, and profess him or themselves obliged to live quietly under the civil government, shall be in any case molested or prejudiced in his or their person or estate, because of his or their conscientious persuasion or practice, nor be compelled to frequent or maintain any religious worship-place, or ministry, contrary to his or their mind, or to do or suffer any other act or thing, contrary to their religious persuasion.

And that all persons who also profess to believe in Jesus Christ, the Saviour of the World, shall be capable (notwithstanding their other persuasions and practices in point of conscience and religion) to serve this government in any capacity, both legislatively and executive, he or they solemnly promising, when lawfully required, allegiance to the King as sovereign, and fidelity to the Proprietary and Governor, and taking the attests, as now established by the law made at New-Castle, in the year one thousand seven hundred, entitled An Act directing the attests of several officers and ministers, as now amended and confirmed this present assembly.

Secondly. For the well governing of this province and territories, there shall be an Assembly yearly chosen, by the freemen thereof, to consist of four persons out of each county, of most note for virtue, wisdom and ability, (or of a greater number at any time, as the Governor and Assembly shall agree) upon the first day of October for ever; and shall sit on the fourteenth day of the same month, in Philadelphia, unless the Governor and Council for the time being shall see cause to appoint another place within the said province or territories: Which Assembly shall have power to choose a Speaker and other their officers; and shall be judges of the qualifications and elections of their own members; sit upon their own adjournments; appoint committees; prepare bills in order to pass into laws; impeach criminals, and redress grievances; and shall have all other powers and privileges of an Assembly, according to the rights of the free-born subjects of England, and as is usual in any of the King's plantations in America.

And if any county or counties shall refuse or neglect to choose their respective Representatives as aforesaid, or, if chosen, do not meet to serve in Assembly, those who are so chosen and met shall have the full power of the Assembly, in as ample a manner as if all the Representatives had been chosen and met, provided they are not less than two thirds of the whole number that ought to meet.

And that the qualifications of electors and elected, and all other matters and things relating to elections of representatives to serve in Assemblies, though not herein particularly expressed, shall be and remain as by a law of this government, made at New-Castle in the year one thousand seven hundred, entitled An Act to ascertain the number of members of Assembly, and to regulate the elections.

Thirdly. That the freemen in each respective county, at the time and place of meeting for electing their Representatives to serve in Assembly, may, as often as there shall be occasion, choose a double number of persons to present to the Governor for Sheriffs and Coronors, to serve for three years, if they so long behave themselves well; out of which respective elections and presentments, the Governor shall nominate and commissionate one for each of the said offices, the third day after such presentment, or else the first named in such presentment, for each office as aforesaid, shall stand and serve in that office for the time before respectively limited, and in case of death or defaults, such vacancies shall be supplied by the Governor, to serve to the end of the said term.

Provided always, That if the said freemen shall at any time neglect or decline to choose a person or persons for either or both the aforesaid offices, then, and in such case, the persons that are or shall be in the respective offices of Sheriff or Coroner, at the time of election, shall remain therein, until they shall be removed by another election as aforesaid.

And that the Justices of the respective counties shall or may nominate and present to the Governor three persons, to serve for Clerk of the peace for the said county, when there is a vacancy, one of which the Governor shall commissionate within ten days after such presentment, or else the first nominated shall serve in the said office during good behaviour.

Fourthly. That the laws of this government shall be in this style, viz. By the Governor, with the consent and approbation of the freemen in General Assembly met; and shall be, after confirmation by the Governor, forthwith recorded in the Rolls office, and kept at Philadelphia, unless the Governor and Assembly shall agree to appoint another place.

Fifthly. That all criminals shall have the same privileges of witnesses and counsel as their prosecutors.

Sixthly. That no person or persons shall or may, at any time hereafter, be obliged to answer any complaint, matter or thing whatsoever, relating to property, before the Governor and Council, or in any other place but in the ordinary courts of justice, unless appeals thereunto shall be hereafter by law appointed.

Seventhly. That no person within the government shall be licensed by the Governor to keep an ordinary, tavern or house of public entertainment, but such who are first recommended to him, under the hands of the Justices of the respective counties signed in open court; which Justices are and shall be hereby empowered to suppress and forbid any person keeping such public house as aforesaid, upon their misbehaviour, on such penalties as

the law doth or shall direct; and to recommend others from time to time as they shall see occasion.

Eighthly. If any person, through temptation or melancholy, shall destroy himself, his estate, real and personal, shall notwithstanding descend to his wife and children, or relations, as if he had died a natural death; and if any person shall be destroyed or killed by casualty or accident, there shall be no forfeiture to the Governor by reason thereof.

And no act, law or ordinance whatsoever, shall at any time hereafter be made or done, to alter, change or diminish the form or effect of this charter, or of any part or clause therein, contrary to the true intent and meaning thereof, without the consent of the Governor for the time being, and six parts of seven of the Assembly met.

But because the happiness of mankind depends so much upon the enjoying of liberty of their consciences as aforesaid, I do hereby solemnly declare, promise and grant, for me, my heirs and assigns, that the first article of this charter, relating to liberty of conscience, and every part and clause therein, according to the true intent and meaning thereof, shall be kept and remain, without any alterations inviolably forever.

And lastly, I, the said William Penn, Proprietary and Governor of the province of Pennsylvania, and territories thereunto belonging, for myself, my heirs and assigns, have solemnly declared, granted and confirmed, and do hereby solemnly declare, grant and confirm, that neither I, my heirs or assigns, shall procure or do any thing or things, whereby the liberties in this charter contained and expressed, nor any part thereof, shall be infringed or broken: And if any thing shall be procured or done by any person or persons, contrary to these presents, it shall be held of no force or effect.

In witness whereof, I, the said William Penn, at Philadelphia, in Pennsylvania, have unto this present charter of liberties set my hand and broad seal, this twenty-eighth day of October, in the year of our lord one thousand seven hundred and one, being the thirteenth year of the reign of king William the third over England, Scotland, France and Ireland, &c. and in the twenty-first year of my government.

And notwithstanding the closure and test of this present charter as aforesaid, I think fit to add this following proviso thereunto, as part of the same, that is to say: That notwithstanding any clause or clauses in the above mentioned charter, obliging the province and territories to join together in legislation, I am content, and do hereby declare, that if the Representatives of the province and territories shall not hereafter agree to join together in legislation, and that the same shall be signified to me, or my Deputy, in open Assembly, or otherwise from under the hands and seals of the Representatives, for the time being, of the province or territories, or the major part of either of them, any time within three years from the date hereof, that in such case the inhabitants of each of the three counties of this province shall not have less than eight persons to represent them in assembly for the province: and the inhabitants of the town of Philadelphia (when the said town is incorporated) two persons to represent them in Assembly; and the inhabitants of each county in the territories shall have as many persons to represent them in distinct Assembly for the territories, as shall be requested by them as aforesaid.

Notwithstanding which separation of the province and territories, in respect of legislation, I do hereby promise, grant, and declare, That the inhabitants of both the province and territories shall separately enjoy all other liberties, privileges and benefits, granted jointly to them in this charter, any law, usage or custom of this government heretofore made and practised, or any law made and passed by this General Assembly, to the contrary hereof notwithstanding.

WILLIAM PENN.

This Charter of Privileges being distinctly read in Assembly, and the whole and every part thereof being approved of and agreed to by us, we do thankfully receive the same from our Proprietary and Governor, at Philadelphia, this twenty-eighth day of October, one thousand seven hundred and one. Signed, on behalf and by order of the Assembly, per

JOSEPH GROWDEN, Speaker.

EDWARD SHIPPEN, PHINEAS PEMBERTON, SAMUEL CARPENTER, GRIFFITH OWEN, CALEB PUSEY, THOMAS STORY,	}	Proprietary and Governor's Council.
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*Recorded in the Rolls-office in Philadelphia, in Patent
Book A. vol. II. page 125 to 129, the 31st of the
Eighth Month, 1701, by me*

THOMAS STORY, MASTER IDEM.

LAWs agreed upon in England.

1. That the charter of liberties declared, granted and confirmed, the five-and-twentieth day of the second month, called April, 1682, before divers witnesses, by William Penn, Governor and chief Proprietary of Pennsylvania, to all the freemen and planters of the said province, is hereby declared and approved, and shall be for ever held for fundamental in the government thereof, according to the limitations mentioned in the said charter.

2. That every inhabitant in the said province, that is or shall be a purchaser of one hundred acres of land or upwards, his heirs and assigns, and every person who shall have paid his passage, and taken up one hundred acres of land, at one penny an acre, and have cultivated ten acres thereof and every person that hath been a servant or bondsman, and is free by his service, that shall have taken up his fifty acres of land, and cultivated twenty thereof, and every inhabitant, artificer, or other resident in the said province, that pays scot and lot to the government, shall be deemed and accounted a freeman of the said province; and every such person shall and may be capable of electing, or being elected, representatives of the people in Provincial Council, or General Assembly, in the said province.

3. That all elections of members or representatives of the people and freemen of the province of Pennsylvania, to serve in Provincial Council, or General Assembly, to be held within the said province, shall be free and voluntary; and that the elector that shall receive any reward or gift, in meat, drink, monies, or otherwise, shall forfeit his right to elect; and such person as shall, directly or indirectly, give, promise or bestow any such reward as aforesaid, to be elected, shall forfeit his election, and be thereby incapable to serve as aforesaid. And the Provincial Council, and general Assembly, shall be the sole judges of the regularity or irregularity of the elections of their own respective members.

4. That no money or goods shall be raised upon or paid by any of the people of this province, by way of a public tax, custom or contribution, but by a law for that purpose made and whosoever shall levy, collect or pay any money or goods contrary thereunto, shall be held a public enemy to the province, and a betrayer of the liberties of the people thereof.

5. That all courts shall be open, and justice shall neither be sold, denied, nor delayed.

6. That in all courts all persons of all persuasions may freely appear in their own way, and according to their own manner; and there personally plead their own cause themselves, or, if unable, by their friends: And the first process shall be the exhibition of the complaint in court, fourteen days before the trial; and that the party complained against may be fitted for the same, he or she shall be summoned no less than ten days before, and a copy of the complaint delivered him or her, at his or her dwelling house. But before the complaint of any person be received, he shall solemnly declare in court, That he believes in his conscience his cause is just.

7. That all pleadings, processes and records in courts, shall be short and in English, and in an ordinary and plain character, that they may be understood, and justice speedily administered.

8. That all trials shall be by twelve men, and as near as may be, peers or equals, and of the neighbourhood, and men without just exception. In cases of life there shall be first twenty-four returned by the Sheriff for a grand inquest, of whom twelve at least shall find the complaint to be true; and then the twelve men, or peers, to be likewise returned by the Sheriff, shall have the final judgment. But reasonable challenges shall be always admitted against the said twelve men, or any of them.

9. That all fees in all cases shall be moderate, and settled by the Provincial Council and General Assembly, and be hung up in a table in every respective court; and whosoever shall be convicted of taking more, shall pay two-fold, and be dismissed his employment, one moiety of which shall go to the party wronged.

10. That all prisons shall be work-houses for felons, vagrants, and loose and idle persons; whereof one shall be in every county.

11. That all prisoners shall be bailable by sufficient sureties, unless for capital offences, where the proof is evident, or the presumption great.

12. That all persons wrongfully imprisoned or prosecuted at law shall have double damages against the informer or prosecutor.

13. That all prisons shall be free, as to fees, food and lodging.

14. That all the lands and goods shall be liable to pay debts, except where there is legal issue, and then all the goods, and one third of the land only.

15. That all wills and writings, attested by two witnesses, shall be of the same force as to lands, as other conveyances, being legally proved within forty days, either within or without the said province.

16. That seven years quiet possession shall give an unquestionable right, except in cases of infants, lunatics, married women, or persons beyond the seas.

17. That all briberies and extortion whatsoever shall be severely punished.

18. That all fines shall be moderate, and saving men's contentments, merchandize or wainage.

19. That all marriages (not forbidden by the law of God, as to nearness of blood and affinity by marriage) shall be encouraged; but the parents or guardians shall be first consulted, and the marriage shall be published before it be solemnized, and it shall be solemnized by taking one another as husband and wife, before credible witnesses, and a certificate of the whole, under the hands of the parties and witnesses, shall be brought to the proper register of that county, and shall be registered in his office.

20. And, to prevent frauds and vexatious suits within the said province, That all charters, gifts, grants and conveyances of land (except leases for a year, or under) and all bills, bonds and specialties, above five pounds, and not under three pounds, made in the said province, shall be enrolled or registered in the public Enrolment-office of the said province, within the space of two months next after the making thereof, else to be void in law. And all deeds, grants and conveyances of land (except as aforesaid) within the said province, and made out of the said province, shall be enrolled and registered as aforesaid within six months next after the making thereof, and settling and constituting an Enrolment-office or Registry within the said province, else to be void in law against all persons whatsoever.

21. That all defacers or corrupters of charters, gifts, grants, bonds, bills, wills, contracts and conveyances, or that shall deface or falsify any enrolment, registry or record, within this province, shall make double satisfaction for the same, half whereof shall go to the party wronged; and they shall be dismissed of all places of trust, and be publicly disgraced as false men.

22. That there shall be a register for births, marriages, burials, wills, and letters of administration, distinct from the other registry.

23. That there shall be a register for all servants, where their names, time, wages and days of payment shall be registered.

24. That all lands and goods of felons shall be liable to make satisfaction to the party wronged twice the value; and for want of lands or goods, the felons shall be bond-men, to work in the common prison or work-house, or otherwise, till the party injured be satisfied.

25. That the estates of capital offenders, as traitors and murderers, shall go, one-third to the next of kin to the sufferer, and the remainder to the next of kin to the criminal.

26. That all witnesses, coming or called to testify their knowledge in or to any matter or thing in any court, or before any lawful authority within the said province, shall there give or deliver in their evidence or testimony, by solemnly promising to speak the truth, the whole truth, and nothing but the truth, to the matter or thing in question. And in case any person so called to evidence, shall be convicted of wilful falsehood, such person, shall suffer and undergo such damage or penalty, as the person or persons against whom he or she bore false witness did or should undergo; and shall also make satisfaction to the party wronged, and be publicly exposed as a false witness, never to be credited in any court or before any magistrate, in the said province.

27. And to the end that all officers chosen to serve within this province may with more care and diligence answer the trust reposed in them, it is agreed, That no such person shall enjoy more than one public office at one time.

28. That all children within this province, of the age of twelve years, shall be taught some useful trade or skill, to the end none may be idle, but the poor may work to live, and the rich, if they become poor, may not want.

29. That servants be not kept longer than their time, and such as are careful be both justly and kindly used in their service, and put in fitting equipage at the expiration thereof, according to custom.

30. That all scandalous and malicious reporters, backbiters, defamers, and spreaders of false news, whether against magistrates or private persons, shall be accordingly severely punished, as enemies to the peace and concord of this province.

31. That for the encouragement of the planters and traders in this province, who are incorporated into a society, the patent granted to them by William Penn, Governor of the said province, is hereby ratified and confirmed.

32.

33. That all factors or correspondents in the said province, wronging their employers, shall make satisfaction, and one-third over, to their said employers: And in case of the death of any such factor or correspondent, the committee of trade shall take care to secure so much of the deceased party's estate as belongs to his said respective employers.

34. That all Treasurers, Judges, Masters of the Rolls, Sheriffs, Justices of the Peace, and other officers and persons whatsoever relating to courts or trials of causes, or any other service in the government; and all members elected to serve in Provincial Council and General Assembly, and all that have right to elect such members, shall be such as profess faith in Jesus Christ, and that are not convicted of ill fame, or unsobber and dishonest conversation, and that are of one and twenty years of age at least; and that all such, so qualified, shall be capable of the said several employments and privileges as aforesaid.

35. That all persons living in this province, who confess and acknowledge the One Almighty and Eternal God to be the creator, upholder and ruler of the world, and that hold themselves obliged in conscience to live peaceably and justly in civil society, shall in no ways be molested

or prejudiced for their religious persuasion or practice in matters of faith and worship, nor shall they be compelled at any time to frequent or maintain any religious worship-place or ministry whatever.

36. That, according to the good example of the primitive Christians, and for the ease of the creation, every first day of the week called the Lord's Day, people shall abstain from their common daily labour, that they may the better dispose themselves to worship God, according to their understandings.

37. That as careless and corrupt administration of justice draws the wrath of God upon Magistrates, so the wildness and looseness of the people provoke the indignation of God against a country: Therefore, that all such offences against God, as swearing, cursing, lying, profane talking, drunkenness, drinking of healths, obscene words, incest, sodomy, rapes, whoredom, fornication and other uncleanness, not to be repeated; all treasons, misprisions, murders, duels, felonies, seditions, maims, forcible entries, and other violences to the persons and estates of the inhabitants within this province; all prizes, stage plays, cards, dice, may-games, masques, revels, bull-baitings, cock-fightings, bear-baitings, and the like, which excite the people to rudeness, cruelty, looseness and irreligion, shall be respectively discouraged, and severely punished, according to the appointment of the Governor and freemen in Provincial Council and General Assembly, as also all proceedings contrary to these laws that are not here made expressly penal.

38. That a copy of these laws shall be hung up in the Provincial Council, and in public courts of justice, and that they shall be read yearly, at the opening of every Provincial Council and General Assembly, and Courts of Justice, and their assent shall be testified by their standing up after the reading thereof.

39. That there shall be at no time any alteration of any of these laws, without the consent of the Governor, his heirs or assigns, and six parts of seven of the freemen, met in Provincial Council and General Assembly.

40. That all other matters and things not herein provided for, which shall and may concern the public justice, peace or safety of the said province, and the raising and imposing taxes, customs, duties, or other charges whatsoever, shall be and are hereby referred to the order, prudence and determination of the Governor and freemen in Provincial Council and General Assembly, to be held from time to time in the said province.

Signed and sealed by the Governor and freemen aforesaid, the fifth day of the Third Month, called May, one thousand six hundred and eighty-two.

Soon after the grant made by the Royal Charter aforesaid, an Assembly of the province and three lower counties (then called the territories) was called by the Proprietary and Governor aforesaid, which met at Chester on the seventh day of December, 1682, where the following laws, among others were passed, to wit:

An ACT OF UNION, for annexing and uniting of the counties of New-Castle, Jones's and and Whorekills, alias Newdale, to the province of Pennsylvania; and of naturalization of all foreigners in the said province and counties annexed.

Since by the good providence of God it hath graciously pleased King Charles the second of England, &c. for divers good considerations, to grant, by his letters patents under the great seal of England, to William Penn. Esq; son and heir of Sir William Penn, deceased, and to his heirs and assigns for ever, this province of Pennsylvania, according to the bounds therein expressed, with all requisite powers for the good government thereof, by such laws as he and they shall make, by and with the advice and consent of the freemen of the said province, or their deputies not repugnant to their faith and allegiance to the legal government of the said realm: and it also having favourably pleased James, Duke of York and Albany, Earl of Ulster, &c. to release his right and claim to all and every part thereof unto the said William Penn, his heirs and assigns; whereby he the said William Penn is become the undoubted and rightful Proprietary and Governor of the province of Pennsylvania, and is hereby freely and fully so recognized and acknowledged. And as a beneficial and requisite addition to the territory of the said Proprietary and Governor, it hath also pleased the said James Duke of York and Albany, &c. for divers good considerations, to grant unto the said William Penn, and his heirs and assigns, all that tract of land, from twelve miles northward of New-Castle, on the river Delaware, down to the South Cape (commonly called Cape Henlopen, and by the Proprietary and Governor now called Cape James) lying on the west side of the said river and bay, formerly possessed by the Dutch, and bought by them of the natives, and first surrendered upon articles of peace to the King's Lieutenant-Governor, Colonel Nicholls, and a second time to Sir Edmund Androsse, Lieutenant-Governor to the said Duke, and hath been by him quietly possessed and enjoyed; as also the said river of Delaware, and soil thereof, and all islands therein lately cast into three counties. called New-Castle, Jones's and Whorekills, (alias New-Dale) together with all royalties, powers and jurisdictions thereunto belonging, as by two deeds of feoffment, bearing date the twenty-fourth day of the Sixth Month, called August, 1682, doth more at large appear. And forasmuch as there must always be a people before there can be a government, and that people must be united and free, in order to settle and encourage them, for the prosperity of the government: and since the inhabitants of the tract of land, lately pass-

ed from the Duke as aforesaid, are not yet thereby under the same capacity that those are that belong to the province of Pennsylvania: And whereas the freemen of the said counties have, by their deputies, humbly besought their present Proprietary and Governor to annex the said counties to the province of Pennsylvania, and to grant unto them the same privileges; and that they may live under the same laws and government that the inhabitants of the said province of Pennsylvania now do or hereafter shall enjoy: And since the union of two distinct people, that are under one Governor, is both most desirable in itself and beneficial to the public, and that it cannot be so cordially and durably maintained, to the mutual benefits of each other, as by making them equally sharers in benefits and privileges, *Be it enacted* by the proprietary and Governor aforesaid, by and with the advice and consent of the deputies of the freemen of the province and counties aforesaid, in Assembly met, That the counties of New-Castle, Jones's and Whorekills, alias New-Dale shall be annexed, and by the authority aforesaid, are hereby annexed unto the province of Pennsylvania, as of the proper territory thereof; and the people therein shall be governed by the same laws, and enjoy the same privileges, in all respects, as the inhabitants of Pennsylvania do or shall enjoy from time to time therein, any thing in this law, or any other law, act or thing in this province, to the contrary thereof in any wise notwithstanding. And forasmuch as it is apparent that the just encouragement of the inhabitants of this province, and territories thereunto belonging, is likely to be an effectual way for the improvement thereof; and since some of the people that live therein, and are likely to come therinto, are foreigners, and so not freemen, according to the acceptation of the laws of England, the consequences of which may prove very detrimental to them in their estates and traffic, and so injurious to the prosperity of this province, and territories thereof, *Be it enacted* by the Proprietary and Governor of the province and counties aforesaid, by and with the advice and consent of the deputies of the freemen thereof, in Assembly met, That all persons, who are strangers and foreigners, that now do inhabit this province and counties aforesaid, that hold land in fee in the same according to the law of a freeman, and who shall solemnly promise, within three months after the publication hereof, in their respective county courts, where they live, upon record, faith and allegiance to the King of England, and his heirs and successors, and fidelity and lawful obedience to the said William Penn, Proprietary and Governor of the said province and territories, and his heirs and assigns, according to the king's letters patents and deeds aforesaid, shall be held and reputed freemen of the province and counties aforesaid, in as ample and full a manner as any person residing therein. *And it is hereby further enacted by the authority aforesaid*, That when at any time any person, that is a foreigner, shall make his request to the Proprietary and Governor of this province, and territories thereof, for the aforesaid freedom, the said person shall be admitted on the conditions herein expressed, paying at his admission twenty shillings sterling, and no more, any thing in this law, or any other law, act or thing in this province, to the contrary in any wise notwithstanding. (b)

Given at Chester, alias Upland, the seventh day of the Tenth Month, called December, 1682, under the Hand and Broad Seal of William Penn, Proprietary and Governor of this province, and territories thereunto belonging, being the second year of his government, by the King's authority.
W. PENN.

The ACT of SETTLEMENT.

Whereas William Penn, Proprietary and Governor of the province of Pennsylvania, and territories thereunto belonging, hath out of his great kindness and goodness to the inhabitants thereof, been favourably pleased to give and grant unto them a charter of liberties and privileges, dated the 25th day of the second month, 1682: by which charter it is said, that the government shall consist of the Governor and freemen of the said province, in the form of a Provincial Council and General Assembly; and that the Provincial Council shall consist of seventy-two members to be chosen by the freemen; and that the General Assembly may, the first year consist of the whole body of freeholders, and ever after of an elected number, not exceeding two hundred persons, without the consent of the Provincial Council and General Assembly; and such Assembly to sit yearly on the twentieth day of the Third Month, May, as in the first, second, third, sixth, fourteenth, and sixteenth articles of the charter, reference being thereunto had, doth more at large appear. And forasmuch as this charter was the first of those probationary laws, that were agreed to and made by and between the Proprietary and Governor and the freeholders in England, purchasers in this province, which said laws, in the whole, and every part thereof were to be submitted to the explanation and confirmation of the first Provincial Council and General Assembly that

(b) *Obs.* By an act made at an Assembly, held at New-Castle, anno. 1683, this is declared to be a fundamental law.

2. It was continued until the year 1700; and then an act of Assembly (ch. 30) was made at New-Castle, of like import, which repealed this act.

3. The act which repealed this was afterwards repealed, by which, according to the rule, Wood's Inst. 9, this act was revived, and remained in force during the late proprietor's life.

was to be held in this province, as by the title and first law of the said agreement doth plainly appear. And whereas the Proprietary and Governor hath according to that charter, issued out writs to the respective Sheriffs of the six counties of this province, to summon the freemen thereof to choose in each county twelve persons of most note for their sobriety, wisdom and integrity, to serve in Provincial Council, and also to inform the freemen, that they might come for this time in their own persons, to make up a General Assembly, according to charter; and that the said respective Sheriffs, by their returns, and the freemen by their petitions to the Proprietary and Governor have plainly declared, that the fewness of the people, their inability in estate, and unskillfulness in matter of government, will not permit them to serve in so large a Council and Assembly, as by the charter is expressed; and therefore do desire, that the members now chosen to be their Deputies and Representatives may serve both for Provincial Council and General Assembly, that is to say, three out of each county for the Provincial Council, and the remaining nine for the General Assembly, according to act, as fully and amply as if the said Provincial Council and General Assembly had consisted of the said number of members mentioned in the charter of liberties; upon consideration of the premises, and that the Proprietary and Governor may testify his great willingness to comply with that which may be most easy and pleasing to the people, he is willing that it be enacted, *And it is enacted* by the Proprietary and Governor, by and with the unanimous advice and consent of the freemen of this province, and territories thereunto belonging, in Provincial Council and General Assembly met, That the numbers desired by the inhabitants in their several petitions, and expressed to be their desires by the Sheriff's returns to the Proprietary and Governor to serve as the Provincial Council and General Assembly, be allowed and taken, to all intents and purposes, to be the Provincial Council and General Assembly of this province. And that the quorums shall be proportionably settled, according to the method expressed in the fifth article; that is to say two-thirds to make a quorum in extraordinary cases, as is provided in the said fifth article; which said Provincial Council and General Assembly so already chosen, are and shall be held and reputed the legal Provincial Council and General Assembly of this province, and territories thereof for this present year; and that from and after the expiration of this present year, the Provincial Council shall consist of three persons out of each county as aforesaid, and the Assembly shall consist of six persons out of each county; which said Provincial Council and General Assembly may be hereafter enlarged, as the Governor, Provincial Council and Assembly shall see cause, so as the said number do not at any time exceed the limitations expressed in the third and sixteenth articles of the charter, any thing in this act or any other act, charter or law, to the contrary in any wise notwithstanding. And because the freemen of this province and territories thereof, are deeply sensible of the good and kind intentions of the Proprietary and Governor in this charter, and of the singular benefit that redounds to them thereby, and are desirous that it may in all things best answer his design for the public good, the freemen of the said province, and territories thereof, in Provincial Council and General Assembly met, having unanimously requested some variations, explanations, and additions, of, in and to the said charter, he the Proprietary and Governor hath therefore yielded that it be enacted, *And it is hereby enacted*, That the time for the meeting of the freemen of this province, and territories thereof, to choose their Deputies to represent and serve them in Provincial Council and General Assembly, shall be yearly hereafter on the tenth day of the first month (March) which members so chosen for the Provincial Council shall make their appearance, and give their attendance in Provincial Council within twenty days after their elections; and the said members elected to serve in General Assembly shall yearly meet and assemble on the tenth day of the said third month, to the end and purposes declared in the charter, at and in such place as is limited in the said charter, unless the Governor and Provincial Council shall at any time see cause to the contrary. And whereas it is expressed in the said charter that the Governor and Provincial Council shall prepare and propose to the General Assembly all bills, which they shall think fit to pass into laws within the said province, *Be it enacted by the authority aforesaid*, That the Governor and Provincial Council shall have the power of preparing and proposing to the General Assembly all bills, which they shall jointly assent to, and think fit to have passed into laws in the said province, and territories thereof, that are not inconsistent with, but according to, the powers granted by the King's letters patents to the Proprietary and Governor aforesaid; which bills shall be published in the most noted towns or places in the said province, and territories thereof, twenty days before the meeting of the General Assembly aforesaid. And for the better decision and determination of all matters and questions in Provincial Council and General Assembly, *It is hereby enacted*, That all questions upon elections of representatives, and debates in Provincial Council and General Assembly, in personal matters, shall be decided by the ballot; and all questions about preparing and enacting of laws shall be determined by the vote. And that so united an interest may have an united term or style to be expressed by, *It is hereby declared and enacted*, That the General Assembly shall be henceforth termed or called, The Assembly; and the meeting of the Governor, Provincial Council and Assembly, and their acts and proceedings shall be styled and called, The meetings, sessions, acts or proceedings of the General Assembly of the province of Pennsylvania, and the territories thereunto belonging. And that the freemen of this province and territories thereof, may not on their parts seem unmindful or ungrateful to their Proprietary and Governor, for the testimony he hath been pleased to give

of his great good will towards them and theirs, nor be wanting of that duty they owe to him and themselves, they have prayed leave hereby to declare their most hearty acceptance of the said charter, and their humble acknowledgements for the same, solemnly promising that they will inviolably observe and keep the same (except as is therein excepted) and they will neither directly nor indirectly contrive, propose, enact, or do any thing or things whatsoever, by virtue of the power thereby granted unto them, that shall or may redound to the prejudice or disadvantage of the Proprietary and Governor, his heirs and successors, in their just rights, properties and privileges, granted to him and them by the King's letters patents, and deeds of release and feoffment, made to him by James, Duke of York and Albany, &c. and whom they desire may be hereby recognized and acknowledged the true and rightful Proprietaries and Governors of this province of Pennsylvania, and territories thereunto annexed, according to the King's letters patents, and deeds of release and feoffment from James, Duke of York, and Albany, &c. unto the said Proprietary and Governor, his heirs and successors, any thing in this act, or any other act, grant, charter or law, to the contrary of these things herein and hereby explained, altered, limited, promised, declared and enacted, in any wise notwithstanding.

At an Assembly held at Philadelphia, in the province of Pennsylvania, the tenth day of the First Month, March, 1683, the following act, among others, was passed, to wit.

Forms of Grants of Estates of Inheritance for Life, Lives or Years.

Be it enacted, &c. That for avoiding long and tedious conveyances, and the many contentions which may arise about the variety of estates, all grants of estates shall be either of the inheritance, or for life or lives, or for years, any number not exceeding fifty years, which grants shall be thus contracted in these words, A. B. the &c. day of &c. in the year according to the English account 16, &c. from him, and his heirs and assigns, grants his [describe the bounds] with all its appurtenances, lying in the county of, &c. containing _____ acres, or thereabouts, to C. D. and his heirs (if in fee) or to E. F. for his life (if for lives) or to G. H. for one hundred years, if I. K. L. M. N. O. shall so long live, or to P. Q. for fifty years, for the consideration of _____ pounds in money paid, and of the yearly rent to be paid to A. B. and his heirs and assigns, upon the &c. day of &c. In witness whereof he sets his hand and seal. Sealed and delivered in the presence of R. S. T. Acknowledged in open court, and certified under the clerk's hand and court seal, the &c. day of &c. 16, &c. and registered the, &c. day of &c. 16, &c.

An ACT to settle and adjust the accounts of the troops of this State, in the service of the United States, and for other purposes therein mentioned.

☞ By this act the following scale of depreciation was established as a rule, by which the Auditors should be governed in settling the pay accounts of the Pennsylvania line.

SCALE of DEPRECIATION.

One thousand seven hundred and seventy-seven.

January,	One and an half.
February,	One and an half.
March,	Two.
April,	Two and an half.
May,	Two and an half.
June,	Two and an 'lf.
July,	Three.
August,	Three.
September,	Three.
October,	Three.
November,	Three.
December,	Four.

One thousand seven hundred and seventy-nine.

January,	Eight.
February,	Ten.
March,	Ten and an half.
April,	Seventeen.
May,	Twenty-four.
June,	Twenty.
July,	Nineteen.
August,	Twenty.
September,	Twenty-four.
October,	Thirty.
November,	Thirty-eight and an half.
December,	Forty-one and an half.

One thousand seven hundred and seventy-eight.

January,	Four.
February,	Five.
March,	Five.
April,	Six.
May,	Five.
June,	Four.
July,	Four.
August,	Five.
September,	Five.
October,	Five.
November,	Six.
December,	Six.

One thousand seven hundred and eighty.

January,	Forty and an half.
February,	Forty-seven and an half.
March,	Sixty-one and an half.
April,	Sixty-one and an half.
May,	Fifty-nine.
June,	Sixty-one and an half.
July,	Sixty-four and an half.

Passed 18th December, 1780.

In CONGRESS, July 4, 1776.

A DECLARATION by the Representatives of the United States of America, in Congress assembled.

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such now is the necessity which constrains them to alter their former systems of government. The history of the present King of Great-Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove this let facts be submitted to a candid world.

He has refused his assent to laws, the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature; a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the repository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the state remaining in the mean time exposed to all the danger of invasion from without, and convulsions from within.

He has endeavoured to prevent the population of these states; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependant on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers, to harass our people, and eat out their substance.

He has kept among us, in time of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of and superior to the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these states:

For cutting off our trade with all parts of the world:

For imposing taxes on us without our consent:

For depriving us, in many cases, of the benefits of trial by jury:

For transporting us beyond seas to be tried for pretended offences:

For abolishing the free system of English laws in a neighbouring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it an example and fit instrument for introducing the same absolute rule into these colonies:

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our government:

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is, at this time, transporting large armies of foreign mercenaries to complete the work of death, desolation and tyranny, already begun with circumstances of cruelty and perfidy, scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms: Our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attention to our British brethren. We have warned them from time to time of attempts made by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and concanguinity. We must, therefore, acquiesce in the necessity, which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace friends.

We, therefore, the Representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the World, for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare, that these United Colonies are, and of right ought to be FREE and INDEPENDENT STATES: that they are absolved from all allegiance to the British crown, and that all political connection between them and the state of Great-Britain is and ought to be totally dissolved; that as Free and Independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honour.

JOHN HANCOCK.

<i>New-Hampshire,</i>	{ Josiah Bartlett, William Whipple, Matthew Thornton.
<i>Massachusetts Bay,</i>	{ Samuel Adams, John Adams, Robert Treat Paine, Elbridge Gerry.
<i>Rhode Island, &c.</i>	{ Stephen Hopkins, William Ellery.
<i>Connecticut,</i>	{ Roger Sherman, Samuel Huntington, William Williams, Oliver Wolcott.
<i>New-York,</i>	{ William Floyd, Philip Livingston, Francis Lewis, Lewis Morris.
<i>New-Jersey,</i>	{ Richard Stockton, John Witherspoon, Francis Hopkinson, John Hart, Abraham Clark.

<i>Pennsylvania,</i>	{ Robert Morris, Benjamin Rush, Benjamin Franklin, John Morton,
	{ George Clymer, James Smith, George Taylor, James Wilson, George Ross.
<i>Delaware,</i>	{ Caesar Rodney, Thomas M'Kean,
	{ George Read.
<i>Maryland,</i>	{ Samuel Chase, William Paca,
	{ Thomas Stone, Charles Carrol, of <i>Carrollton</i> .
<i>Virginia,</i>	{ George Wythe, Richard Henry Lee,
	{ Thomas Jefferson, Benjamin Harrison, Thomas Nelson, jun. Francis Lightfoot Lee, Carter Braxton.
<i>North Carolina,</i>	{ William Hooper, Joseph Hewes,
	{ John Penn.
<i>South-Carolina,</i>	{ Edward Rutledge, Thomas Heyward, jun.
	{ Thomas Lynch, jun. Arthur Middleton.
<i>Georgia,</i>	{ Button Gwinnett, Lyman Hall,
	{ George Walton.

The CONSTITUTION of the Commonwealth of PENNSYLVANIA, as established by the GENERAL CONVENTION elected for that purpose, and held at Philadelphia, July 15th, 1776, and continued by adjournments to September 28th, 1776.

Whereas all government ought to be instituted and supported for the security and protection of the community as such, and to enable the individuals who compose it to enjoy their natural rights, and the other blessings which the author of existence has bestowed upon man; and whenever these great ends of government are not obtained, the people have a right by common consent, to change it, and take such measures as to them may appear necessary to promote their safety and happiness. And whereas the inhabitants of this commonwealth have, in consideration of protection only, heretofore acknowledged allegiance to the king of Great-Britain; and the said king has not only withdrawn that protection, but commenced, and still continues to carry on, with unabated vengeance, a most cruel and unjust war against them, employing therein, not only the troops of Great-Britain, but foreign mercenaries, savages and slaves, for the avowed purpose of reducing them to a total and abject submission to the despotic domination of the British Parliament, with many other acts of tyranny (more fully set forth in the declaration of Congress) whereby all allegiance and fealty to the said king and his successors are dissolved, and at an end, and all power and authority derived from him ceased in these colonies. And whereas it is absolutely necessary for the welfare and safety of the inhabitants of said colonies, that they be henceforth free and independent states, and that just, permanent and proper forms of government exist in every part of them, derived from and founded on the authority of the people only, agreeable to the directions of the honourable American Congress. We, the representatives of the freemen of Pennsylvania, in General Convention met, for the express purpose of framing such a government, confessing the goodness of the Great Governor of the Universe (who alone knows to what degree of earthly happiness mankind may attain, by perfecting the arts of government) in permitting the people of this state, by common consent, and without violence, deliberately to form for themselves such just rules as they shall think best for governing their future society; and being fully convinced, that it is our indispensable duty to establish such original principles of government, as will best promote the general happiness of the people of this state, and their posterity, and provide for future improvements, without partiality for, or prejudice against any particular class, sect, or denomination of men whatever, do, by virtue of the authority vested

in us by our constituents, ordain, declare and establish, the following Declaration of Rights, and Frame of Government, to be the Constitution of this Commonwealth, and to remain in force therein for ever, unaltered, except in such articles as shall hereafter, on experience, be found to require improvement, and which shall by the same authority of the people, fairly delegated as this frame of government directs, be amended or improved, for the more effectual obtaining or securing the great end and design of all government, herein before mentioned.

CHAPTER I.

A Declaration of the Rights of the Inhabitants of the State of Pennsylvania.

I. That all men are born equally free and independent, and have certain natural, inherent and unalienable rights, amongst which are, the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety.

II. That all men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences and understanding: And that no man ought or of right can be compelled to attend any religious worship, or erect or support any place of worship, or maintain any ministry, contrary to, or against his own free will and consent: Nor can any man, who acknowledges the being of a God, be justly deprived or abridged of any civil right as a citizen, on account of his religious sentiments or peculiar mode of religious worship. And that no authority can or ought to be vested in or assumed by any power whatever, that shall in any case interfere with, or in any manner controul, the right of conscience in the free exercise of religious worship.

III. That the people of this state have the sole, exclusive and inherent right of governing and regulating the internal police of the same.

IV. That all power being originally inherent in, and consequently derived from, the people; therefore all officers of government, whether legislative or executive, are their trustees and servants, and at all times accountable to them.

V. That government is, or ought to be instituted for the common benefit, protection and security of the people, nation or community; and not for the particular emolument or advantage of any single man, family, or set of men, who are a part only of that community: And that the community hath an indubitable, unalienable and indefeasible right to reform, alter or abolish government, in such manner as shall be by that community judged most conducive to the public weal.

VI. That those who are employed in the legislative and executive business of the state may be restrained from oppression, the people have a right, at such periods as they may think proper, to reduce their public officers to a private station, and supply the vacancies by certain and regular elections.

VII. that all elections ought to be free; and that all freemen, having a sufficient evident common interest with, and attachment, to the community, have a right to elect officers, or be elected into office.

VIII. That every member of society hath a right to be protected in the enjoyment of life, liberty and property, and therefore is bound to contribute his proportion towards the expence of that protection, and yield his personal service when necessary, or an equivalent thereto: But no part of a man's property can be justly taken from him, or applied to public uses without his own consent, or that of his legal representatives: Nor can any man who is conscientiously scrupulous of bearing arms, be justly compelled thereto, if he will pay such equivalent; nor are the people bound by any laws, but such as they have in like manner assented to, for their common good.

IX. That in all prosecutions for criminal offences, a man hath a right to be heard by himself and his counsel, to demand the cause and nature of his accusation, to be confronted with the witnesses, to call for evidence in his favour, and a speedy public trial, by an impartial jury of the country, without the unanimous consent of which jury he cannot be found guilty; nor can he be compelled to give evidence against himself; nor can any man be justly deprived of his liberty, except by the laws of the land, or the judgment of his peers.

X. That the people have a right to hold themselves, their houses, papers and possessions, free from search or seizure; and therefore warrants without oaths or affirmations first made, affording sufficient foundation for them, and whereby any officer or messenger may be commanded or required to search suspected places, or to seize any person or persons, his or their property not particularly described, are contrary to that right, and ought not to be granted.

XI. That in controversies respecting property, and in suits between man and man, the parties have a right to trial by jury, which ought to be held sacred.

XII. That the people have a right to freedom of speech, and of writing, and publishing their sentiments, therefore the freedom of the press ought not to be restrained.

XIII. That the people have a right to bear arms for the defence of themselves and the state; and as standing armies in the time of peace are dangerous to liberty, they ought not to be kept up: And that the military should be kept under strict subordination to, and governed by, the civil power.

XIV. That a frequent recurrence to fundamental principles, and a firm adherence to justice, moderation, temperance, industry and frugality, are absolutely necessary to preserve the blessings of liberty, and keep a government free: The people ought, therefore, to pay particular attention to these points in the choice of officers and representatives, and have a right to exact a due and constant regard to them, from their legislators and magistrates, in the making and executing such laws as are necessary for the good government of the state.

XV. That all men have a natural inherent right to emigrate from one state to another that will receive them, or to form a new state in vacant countries, or in such countries as they can purchase, whenever they think that thereby they may promote their own happiness.

XVI. That the people have a right to assemble together, to consult for their common good, to instruct their representatives, and to apply to the legislature for redress of grievances, by address, petition or remonstrance.

CHAPTER II.

PLAN or FRAME of GOVERNMENT.

SECTION 1. The commonwealth or state of Pennsylvania shall be governed hereafter by an assembly of the representatives of the freemen of the same, and a president and council, in manner and form following ———

SECT. 2. The supreme legislative power shall be vested in a house of representatives of the freemen of the commonwealth or state of Pennsylvania.

SECT. 3. the supreme executive power shall be vested in a president and council.

SECT. 4. Courts of Justice shall be established in the city of Philadelphia, and in every county of this state.

SECT. 5. The freemen of this commonwealth and their sons shall be trained and armed for its defence under such regulations, restrictions and exceptions, as the General Assembly shall by law direct, preserving always to the people the right of choosing their colonel and all commissioned officers under that rank, in such manner and as often as by the said laws shall be directed.

SECT. 6. Every freeman of the full age of twenty-one years, having resided in this state for the space of one whole year next before the day of election for representatives, and paid public taxes during that time, shall enjoy the right of an elector: Provided always, that sons of freeholders of the age of twenty-one years shall be entitled to vote, although they have not paid taxes.

SECT. 7. The house of representatives of the freemen of this commonwealth shall consist of persons most noted for wisdom and virtue, to be chosen by the freemen of every city and county of this commonwealth respectively. And no person shall be elected, unless he has resided in the city or county for which he shall be chosen two years immediately before the said election; nor shall any member, while he continues such, hold any other office, except in the militia.

SECT. 8. No person shall be capable of being elected a member to serve in the house of representatives of the freemen of this commonwealth more than four years in seven.

SECT. 9. The members of the house of representatives shall be chosen annually by ballot by the freemen of the commonwealth, on the second Tuesday in October for ever, (except this present year) and shall meet on the fourth Monday of the same month, and shall be styled *The general assembly of representatives of the freemen of Pennsylvania*, and shall have power to choose their speaker, the treasurer of the state, and their other officers; sit on their own adjournments; prepare bills and enact them into laws, judge of the elections and qualifications of their own members; they may expel a member, but not a second time for the same cause; they may administer oaths or affirmations on examination of witnesses; redress grievances; impeach state criminals; grant charters of incorporation; constitute towns, boroughs, cities and counties; and shall have all other powers necessary for the legislature of a free state or commonwealth: But they shall have no power to add to, alter, abolish, or infringe any part of this constitution.

SECT. 10. A quorum of the house of representatives shall consist of two thirds of the whole number of members elected; and having met and chosen their speaker, shall each of them before they proceed to business take and subscribe, as well the oath or affirmation of fidelity and allegiance herein after directed, as the following oath or affirmation, viz.

I ——— do swear (or affirm) that as member of this assembly, I will not propose or assent to any bill, vote, or resolution, which shall appear to me injurious to the people; nor do or consent to any act or thing whatever, that shall have a tendency to lessen or abridge their rights and privileges, as declared in the constitution of this state; but will in all things conduct myself as a faithful honest representative and guardian of the people, according to the best of my judgment and abilities.

And each member before he takes his seat, shall make and subscribe the following declaration, viz.

I do believe in one God, the Creator and governor of the universe, the rewarder of the good, and the punisher of the wicked. And I do acknowledge the Scriptures of the Old and New Testament to be given by Divine Inspiration

And no further or other religious test shall ever hereafter be required of any civil officer or magistrate in this state.

SECT. 11. Delegates to represent this state in congress shall be chosen by ballot by the future general assembly at their first meeting, and annually for ever afterwards, as long as such representation shall be necessary. Any delegate may be superseded at any time, by the general assembly appointing another in his stead. No man shall sit in congress longer than two years successively, nor be capable of re-election for three years afterwards: and no person who holds any office in the gift of the congress shall hereafter be elected to represent this commonwealth in congress.

SECT. 12. If any city or cities, county or counties, shall neglect or refuse to elect and send representatives to the general assembly, two thirds of the members from the cities or counties that do elect and send representatives, provided they be a majority of the cities and counties of the whole state, when met, shall have all the powers of the general assembly, as fully and amply as if the whole were present.

SECT. 13. The doors of the house in which the representatives of the freemen of this state shall sit in general assembly, shall be and remain open for the admission of all persons who behave decently, except only when the welfare of this state may require the doors to be shut.

SECT. 14. The votes and proceedings of the general assembly shall be printed weekly during their sitting, with the yeas and nays, on any question, vote or resolution, where any two members require it, except when the vote is taken by ballot; and when the yeas and nays are so taken, every member shall have a right to insert the reasons of his vote upon the minutes, if he desire it.

SECT. 15. To the end that laws before they are enacted may be more maturely considered, and the inconvenience of hasty determinations as much as possible prevented, all bills of public nature shall be printed for the consideration of the people, before they are read in general assembly the last time for debate and amendment; and, except on occasions of sudden necessity, shall not be passed into laws until the next session of assembly; and for the more perfect satisfaction of the public, the reasons and motives for making such laws shall be fully and clearly expressed in the preambles.

SECT. 16. The style of the laws of this commonwealth shall be, "Be it enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania in general assembly met, and by the authority of the same," And the general assembly shall affix their seal to every bill, as soon as it is enacted into a law, which seal shall be kept by the assembly, and shall be called, *The seal of the laws of Pennsylvania*, and shall not be used for any other purpose.

SECT. 17. The city of Philadelphia and each county of this commonwealth, respectively, shall on the first Tuesday in November in this present year, and on the second Tuesday in October annually for the two next succeeding years, viz. the year one thousand seven hundred and seventy-seven, and the year one thousand seven hundred and seventy-eight, choose six persons to represent them in general assembly. But as representation in proportion to the number of taxable inhabitants is the only principle which can at all times secure liberty, and make the voice of a majority of the people the law of the land; therefore the general assembly shall cause complete lists of the taxable inhabitants in the city and each county in the commonwealth, respectively, to be taken and returned to them, on or before the last meeting of the assembly elected in the year one thousand seven hundred and seventy-eight, who shall appoint a representation to each, in proportion to the number of taxables in such returns; which representation shall continue for the next seven years afterwards, at the end of which a new return of the taxable inhabitants shall be made, and a representation agreeable thereto appointed by the said assembly, and so on septennially for ever. The wages of representatives in general assembly, and all other state charges, shall be paid out of the state treasury.

SECT. 18. In order that the freemen of this commonwealth may enjoy the benefit of election as equally as may be until the representation shall commence, as directed in the foregoing section, each county at its own choice may be divided into districts, hold elections therein, and elect their representatives in the county, and their other elective officers, as shall be hereafter regulated by the general assembly of this state. And no inhabitant of this state shall have more than one annual vote at the general election for representatives in assembly.

SECT. 19. For the present the supreme executive council of this state shall consist of twelve persons, chosen in the following manner: The freemen of the city of Philadelphia and of the counties of Philadelphia, Chester, and Bucks, respectively, shall choose by ballot one person for the city, and one for each county aforesaid, to serve for three years and no longer, at the time and place for electing representatives in general assembly. The freemen of the counties of Lancaster, York, Cumberland and Berks, shall in like manner, elect one person for each county respectively, to serve as counsellors for two years and no longer. And the counties of Northampton, Bedford, Northumberland and Westmoreland, respectively, shall in like manner elect one person for each county, to serve as counsellors for one year and no longer. And at the expiration of the time for which each counsellor was chosen to serve, the freemen of the city of Philadelphia, and of the several counties of this state, respectively, shall elect one person to serve as counsellor for three years and no longer; and so on every third year for ever.

By this mode of election and continual rotation, more men will be trained to public business, there will in every subsequent year be found in the council a number of persons acquainted with the proceedings of the foregoing years, whereby the business will be more consistently conducted and moreover the danger of establishing an inconvenient aristocracy will be effectually prevented. All vacancies in the council that may happen by death, resignation, or otherwise, shall be filled at the next general election for representatives in general assembly, unless a particular election for that purpose shall be sooner appointed by the president and council. No member of the general assembly, or delegate in congress, shall be chosen a member of the council. The president and vice president shall be chosen annually by the joint ballot of the general assembly and council, of the members of the council. Any person having served as a counsellor for three successive years shall be incapable of holding that office for four years afterwards. Every member of the council shall be a justice of the peace for the whole commonwealth, by virtue of his office.

In case new additional counties shall hereafter be erected in this state, such county or counties shall elect a counsellor, and such county or counties shall be annexed to the next neighbouring counties, and shall take rotation with such counties.

The council shall meet annually, at the same time and place with the general assembly.

The treasurer of the state, trustees of the loan office, naval officers, collectors of customs or excise, judge of the admiralty, attorneys general, sheriffs and prothonotaries, shall not be capable of a seat in the general assembly, executive council or continental congress.

SECT. 20. The president, and in his absence the vice president, with the council, five of whom shall be a quorum, shall have power to appoint and commissionate judges, naval officers, judge of the admiralty, attorney general, and all other officers, civil and military, except such as are chosen by the general assembly or the people, agreeable to this frame of government, and the laws that may be made hereafter; and shall supply every vacancy in any office, occasioned by death, resignation, removal or disqualification, until the office can be filled in the time and manner directed by law or this constitution. They are to correspond with other states, and transact business with the officers of government, civil and military; and to prepare such business as may appear to them necessary to lay before the general assembly. They shall sit as judges, to hear and determine on impeachments, taking to their assistance, for advice only, the justices of the supreme court. And shall have power to grant pardons, and remit fines, in all cases whatsoever, except in cases of impeachment; and in cases of treason and murder, shall have power to grant reprieves, but not to pardon, until the end of the next sessions of assembly; but there shall be no remission or mitigation of punishments on impeachments, except by act of the legislature; they are also to take care that the laws be faithfully executed; they are to expedite the execution of such measures as may be resolved upon by the general assembly; and they may draw upon the treasury for such sums as shall be appropriated by the house: they may also lay embargoes, or prohibit the exportation of any commodity, for any time not exceeding thirty days, in the recess of the house only: they may grant such licences as shall be directed by law, and shall have power to call together the general assembly, when necessary, before the day to which they shall stand adjourned. The president shall be commander in chief of the forces of the state, but shall not command in person, except advised thereto by the council, and then only so long as they shall approve thereof. The president and council shall have a secretary, and keep fair books of their proceedings, wherein any counsellor may enter his dissent, with his reasons in support of it.

SECT. 21. All commissions shall be in the name and by the authority of the freemen of the commonwealth of Pennsylvania, sealed with the state seal, signed by the president or vice president, and attested by the secretary; which seal shall be kept by the council.

SECT. 22. Every officer of state, whether judicial or executive, shall be liable to be impeached by the general assembly, either when in office, or after his resignation, or removal for mal-administration: all impeachments shall be before the president or vice president and council, who shall hear and determine the same.

SECT. 23. The judges of the supreme court of judicature shall have fixed salaries, be commissioned for seven years only, though capable of re-appointment at the end of that term, but removable for misbehaviour at any time by the general assembly; they shall not be allowed to sit as members in the continental congress, executive council, or general assembly, nor to hold any other office, civil or military, nor to take or receive fees or perquisites of any kind.

SECT. 24. The supreme court, and the several courts of common pleas of this commonwealth, shall, besides the powers usually exercised by such courts, have the powers of a court of chancery, so far as relates to the perpetuating testimony, obtaining evidence from places not within this state, and the care of the persons and estates of those, who are *non compos mentis*, and such other powers as may be found necessary by future general assemblies, not inconsistent with this constitution.

SECT. 25. Trials shall be by jury as heretofore: and it is recommended to the legislature of this state, to provide by law against every corruption or partiality in the choice, return, or appointment of juries.

SECT. 26. Courts of sessions, common pleas, and orphans courts shall be held quarterly in each city and county; and the legislature shall have power to establish all such other

courts as they may judge for the good of the inhabitants of the state. All courts shall be open, and justice shall be impartially administered, without corruption or unnecessary delay: All their officers shall be paid an adequate, but moderate, compensation for their services: And if any officer shall take greater or other fees than the law allows him, either directly or indirectly, it shall ever after disqualify him from holding any office in this state.

SECT. 27. All prosecutions shall commence in the name and by the authority of the freemen of the commonwealth of Pennsylvania; and all indictments shall conclude with these words, "*Against the peace and dignity of the same.*" The style of all process hereafter in this state shall be, "*The commonwealth of Pennsylvania.*"

SECT. 28. The person of a debtor, where there is not a strong presumption of fraud, shall not be continued in prison, after delivering up, *bona fide*, all his estate real and personal, for the use of his creditors, in such a manner as shall be hereafter regulated by law. All prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or presumption great.

SECT. 29. Excessive bail shall not be exacted for bailable offences: And all fines shall be moderate.

SECT. 30. Justices of peace shall be elected by the freeholders of each city and county respectively, that is to say, two or more persons may be chosen for each ward, township or district, as the law shall hereafter direct: And their names shall be returned by the president in council who shall commissionate one or more of them for each ward, township or district so returning, for seven years, removeable for misconduct by the general assembly. But if any city or county, ward, township, or district of this commonwealth, shall hereafter incline to change the manner of appointing their justices of the peace as settled in this article, the general assembly may make a law to regulate the same, agreeable to the desire of a majority of the freeholders of the city or county, ward, township, or district so applying. No justice of the peace shall sit in the general assembly, unless he first resign his commission; nor shall he be allowed to take any fees, nor any salary or allowance except such as the future legislature may grant.

SECT. 31. Sheriffs and coroners shall be elected annually in each city and county, by the freemen; that is to say, two persons for each office, one of whom, for each, is to be commissioned by the president in council. No person shall continue in the office of sheriff more than three successive years, or be capable of being again elected during four years afterwards. The election shall be held at the same time and place appointed for the election of representatives: And the commissioners and assessors, and other officers chosen by the people, shall also be then and there elected, as has been usual heretofore, until altered or otherwise regulated by the future legislature of this state.

SECT. 32. All elections, whether by the people or in general assembly, shall be by ballot, free and voluntary: And any elector, who shall receive any gift or reward for his vote, in meat, drink, monies, or otherwise, shall forfeit his right to elect for that time, and suffer such other penalties as future laws shall direct. And any person who shall directly or indirectly give, promise, or bestow any such rewards to be elected, shall be thereby rendered incapable to serve for the ensuing year.

SECT. 33. All fees, licence money, fines and forfeitures, heretofore granted or paid to the governor, or his deputies, for the support of government, shall hereafter be paid into the public treasury, unless altered or abolished by the future legislature.

SECT. 34. A register's office for the probate of wills and granting letters of administration, and an office for the recording of deeds shall be kept in each city and county: The officers to be appointed by the general assembly, removeable at their pleasure, and to be commissioned by the president in council.

SECT. 35. The printing presses shall be free to every person who undertakes to examine the proceedings of the legislature, or any part of government.

SECT. 36. As every freeman, to preserve his independence (if without a sufficient estate) ought to have some profession, calling, trade or farm, whereby he may honestly subsist, there can be no necessity for, nor use in establishing offices of profit, the usual effects of which are dependence and servility, unbecoming freemen, in the possessors and expectants; faction, contention, corruption, and disorder among the people. But if any man is called into public service, to the prejudice of his private affairs, he has a right to a reasonable compensation: And whenever an office, through increase of fees or otherwise, becomes so profitable as to occasion many to apply for it, the profits ought to be lessened by the legislature.

SECT. 37. The future legislature of this state shall regulate intails, in such a manner as to prevent perpetuities.

SECT. 38. The penal laws as heretofore used shall be reformed by the legislature of this state as soon as may be, and punishments made in some cases less sanguinary, and in general more proportionate to the crimes.

SECT. 39. To deter more effectually from the commission of crimes, by continued visible punishment of long duration, and to make sanguinary punishments less necessary, houses ought to be provided for punishing, by hard labour, those who shall be convicted of crimes not capital; wherein the criminals shall be employed for the benefit of the public, or for

reparation of injuries done to private persons: And all persons at proper times shall be admitted to see the prisoners at their labour.

SECT. 40. Every officer, whether judicial, executive or military, in authority under this commonwealth, shall take the following oath or affirmation of allegiance, and general oath of office, before he enter on the execution of his office. The oath or affirmation of allegiance: *I ——— do swear (or affirm) that I will be true and faithful to the commonwealth of Pennsylvania: And that I will not directly or indirectly do any act or thing prejudicial or injurious to the constitution or government thereof, as established by the convention.* The oath or affirmation of office; *I ——— do swear (or affirm) that I will faithfully execute the office of ——— for the ——— of ——— and will do equal right and justice to all men, to the best of my judgment and abilities, according to law.*

SECT. 41. No public tax, custom or contribution, shall be imposed upon or paid by the people of this state, except by a law for that purpose: And before any law be made for raising it, the purpose for which any tax is to be raised ought to appear clearly to the legislature to be of more service to the community than the money would be, if not collected; which being well observed, taxes can never be burthens.

SECT. 42. Every foreigner of good character who comes to settle in this state, having first taken an oath or affirmation of allegiance to the same, may purchase, or by other just means acquire, hold, and transfer land or other real estate; and after one year's residence, shall be deemed a free denizen thereof, and entitled to all the rights of a natural born subject of this state, except that he shall not be capable of being elected a representative until after two years residence.

SECT. 43. The inhabitants of this state shall have liberty to fowl and hunt in seasonable times on the lands they hold, and on all other lands therein not inclosed; and in like manner to fish in all boatable waters, and others, not private property.

SECT. 44. A school or schools shall be established in each county by the legislature, for the convenient instruction of youth, with such salaries to the masters, paid by the public, as may enable them to instruct youth at low prices: And all useful learning shall be duly encouraged and promoted in one or more universities.

SECT. 45. Laws for the encouragement of virtue, and prevention of vice and immorality, shall be made and constantly kept in force, and provision shall be made for their due execution: And all religious societies or bodies of men heretofore united or incorporated for the advancement of religion or learning, or for other pious and charitable purposes, shall be encouraged and protected in the enjoyment of the privileges, immunities, and estates, which they were accustomed to enjoy, or could of right have enjoyed under the laws and former constitution of this state.

SECT. 46. The declaration of rights is hereby declared to be a part of the constitution of this commonwealth, and ought never to be violated on any pretence whatever.

SECT. 47. In order that the freedom of the commonwealth may be preserved inviolate for ever, there shall be chosen by ballot by the freemen in each city and county, respectively, on the second Tuesday in October, in the year one thousand seven hundred and eighty-three, and on the second Tuesday in October in every seventh year thereafter, two persons in each city and county of this state, to be called the *Council of Censors*; who shall meet together on the second Monday of November next ensuing their election; the majority of whom shall be a quorum in every case, except as to calling a convention, in which two-thirds of the whole number elected shall agree: And whose duty it shall be to enquire whether the constitution has been preserved inviolate in every part; and whether the legislature and executive branches of government have performed their duty as guardians of the people, or assumed to themselves, or exercised other, or greater, powers than they are entitled to by the constitution: They are also to enquire whether the public taxes have been justly laid and collected in all parts of this commonwealth, in what manner the public monies have been disposed of, and whether the laws have been duly executed. For these purposes they shall have power to send for persons, papers and records, they shall have authority to pass public censures, to order impeachments, and to recommend to the legislature the repealing such laws as appear to them to have been enacted contrary to the principles of the constitution. These powers they shall continue to have, for and during the space of one year from the day of their election, and no longer: The said council of censors shall also have power to call a convention, to meet within two years after their sitting, if there appear to them an absolute necessity of amending any article of the constitution which may be defective, explaining such as may be thought not clearly expressed, and of adding such as are necessary for the preservation of the rights and happiness of the people: But the articles to be amended, and the amendments proposed, and such articles as are proposed to be added or abolished, shall be promulgated at least six months before the day appointed for the election of such convention, for the previous consideration of the people, that they may have an opportunity of instructing their delegates on the subject.

Articles of confederation and perpetual union between The States of New-Hampshire, Massachusetts-Bay, Rhode Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia.

ARTICLE 1. The style of this confederacy shall be, "**THE UNITED STATES OF AMERICA.**"

ART. 2. Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction and right, which is not by this confederation expressly delegated to the United States in congress assembled.

ART. 3. The said states hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

ART. 4. The better to secure and perpetuate mutual friendship and intercourse among the people of the different states in this union, the *free inhabitants* of each of these states, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several states; and the people of each state shall have free ingress and regress to and from any other state, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions and restrictions, as the inhabitants thereof respectively; provided that such restrictions shall not extend so far as to prevent the removal of property imported into any state, to any other state, of which the owner is an inhabitant; provided also that no impositions, duties or restrictions shall be laid by any state on the property of the United States, or either of them.

If any person, guilty of or charged with treason, felony, or other high misdemeanor, in any state, shall flee from justice, and be found in any of the united states, he shall upon demand of the governor, or executive power of the state from which he fled, be delivered up and removed to the state having jurisdiction of his offence.

Full faith and credit shall be given in each of these states to the records, acts and judicial proceedings of the courts and magistrates of every other state.

ART. 5. For the more convenient management of the general interests of the united states, delegates shall be annually appointed, in such manner as the legislature of each state shall direct, to meet in congress on the first Monday in November, in every year, with a power reserved to each state to recal its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year.

No state shall be represented in congress by less than two, nor more than seven members; and no person shall be capable of being a delegate for more than three years, in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the united states, for which he, or any other for his benefit, receives any salary, fees or emolument of any kind.

Each state shall maintain its own delegates in a meeting of the states, and while they act as members of the committee of the states.

In determining questions in the united states in congress assembled, each state shall have one vote.

Freedom of speech and debate in congress shall not be impeached or questioned in any court, or place, out of congress, and the members of congress shall be protected in their persons from arrests and imprisonments, during the time of their going to and from, and attendance on congress, except for treason, felony, or breach of the peace.

ART. 6. No state without the consent of the united states in congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty with any king, prince or state; nor shall any person holding any office of profit or trust under the united states, or any of them, accept of any present, emolument, office or title of any kind whatever, from any king, prince or foreign state; nor shall the united states in congress assembled, or any of them, grant any title of nobility.

No two or more states shall enter into any treaty, confederation or alliance whatever between them; without the consent of the united states in congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No state shall lay any imposts or duties, which may interfere with any stipulations in treaties, entered into by the united states in congress assembled, with any king, prince, or state, in pursuance of any treaties already proposed by congress to the courts of France and Spain.

No vessels of war shall be kept up in time of peace by any state, except such number only as shall be deemed necessary by the united states in congress assembled, for the defence of such state, or its trade; nor shall any body of forces be kept up by any state in time of peace, except such number only, as in the judgment of the united states, in congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such state; but every state shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use, in public stores, a due

number of field pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

No state shall engage in any war, without the consent of the united states in congress assembled, unless such state be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of indians to invade such state, and the danger is so imminent as not to admit of a delay, till the united states in congress assembled can be consulted: Nor shall any state grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the united states in congress assembled, and then only against the kingdom or state, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the united states in congress assembled, unless such state be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the united states in congress assembled shall determine otherwise.

ART. 7. When land forces are raised by any state for the common defence, all officers of or under the rank of colonel, shall be appointed by the legislature of each state respectively, by whom such forces shall be raised, or in such manner as such state shall direct, and all vacancies shall be filled up by the state which first made the appointment.

ART. 8. All charges of war, and all other expences that shall be incurred for the common defence or general welfare, and allowed by the united states in congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the value of all land within each state, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States in congress assembled shall from time to time direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several states, within the time agreed upon by the United States in congress assembled.

ART. 9. The United States in congress assembled shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article; of sending and receiving ambassadors; entering into treaties and alliances, provided that no treaty of commerce shall be made, whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever; of establishing rules for deciding in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated; of granting letters of marque and reprisal in times of peace; appointing courts for the trial of piracy and felonies committed on the high seas, and establishing courts for receiving and determining finally appeals in all cases of captures, provided that no member of congress shall be appointed a judge of any of the said courts.

The United States in congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting, or that hereafter may arise between two or more states concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following. Whenever the legislative or executive authority or lawful agent of any state, in controversy with another, shall present a petition to congress, stating the matter in question, and praying for a hearing, notice thereof shall be given by order of congress to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint by joint consent commissioners or judges, to constitute a court for hearing and determining the matter in question; but if they cannot agree, congress shall name three persons out of each of the United States, and from the list of such persons, each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven, nor more than nine names, as congress shall direct, shall in the presence of congress be drawn out by lot: and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges, who shall hear the cause, shall agree in the determination: And if either party shall neglect to attend at the day appointed, without showing reasons which congress shall judge sufficient, or being present shall refuse to strike, the congress shall proceed to nominate three persons out of each state, and the secretary of congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be appointed, in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence or judgment, which shall in like manner be final and decisive; the judgment or sentence and other proceedings being in either case transmitted to congress, and lodged among the acts of congress, for the security of the parties concerned: Provided, that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the supreme or superior court of the state, where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favour, affection, or hope

of reward :” Provided also, that no state shall be deprived of territory, for the benefit of the United States.

All controversies concerning the private right of soil claimed under different grants of two or more states, whose jurisdictions, as they may respect such lands and the states which passed such grants, are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the congress of the United States, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different states.

The United States in congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states ; fixing the standard of weights and measures throughout the United States ; regulating the trade and managing all affairs with the Indians, not members of any of the states, provided that the legislative right of any state within its own limits be not infringed or violated ; establishing and regulating post-offices from one state to another, throughout all the United States, and exacting such postage on the papers passing through the same, as may be requisite to defray the expenses of the said office ; appointing all officers of the land forces, in the service of the United States, excepting regimental officers ; appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the united states ; making rules for the government and regulation of the said land and naval forces, and directing their operations.

The united states in congress assembled, shall have authority to appoint a committee, to sit in the recess of congress, to be denominated, “ *A Committee of the States,*” and to consist of one delegate from each state; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the united states under their direction; to appoint one of their number to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the united states, and to appropriate and apply the same for defraying the public expences; to borrow money, or emit bills on the credit of the united states, transmitting every half year to the respective states an account of the sums of money so borrowed or emitted; to build and equip a navy; to agree upon the number of land forces, and to make requisitions from each state for its quota, in proportion to the number of white inhabitants, in such state; which requisition shall be binding, and thereupon the legislature of each state shall appoint the regimental officers, raise the men, and clothe, arm, and equip them in a soldier like manner, at the expence of the united states; and the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the united states in congress assembled: But if the united states in congress assembled shall, on consideration of circumstances, judge proper that any state should not raise men, or should raise a smaller number than its quota, and that any other state should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed and equipped in the same manner as the quota of such state, unless the legislature of such state shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, clothe, arm and equip as many of such extra number as they judge can be safely spared. And the officers and men so clothed, armed and equipped, shall march to the place appointed, and within the time agreed on by the united states in congress assembled.

The united states in congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expences necessary for the defence and welfare of the united states, or any of them, nor emit bills, nor borrow money on the credit of the united states, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander in chief of the army or navy, unless nine states assent to the same; nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the united states in congress assembled.

The congress of the united states shall have power to adjourn at any time within the year, and to any place within the united states, so that no period of adjournment be for a longer duration than the space of six months; and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each state on any question shall be entered on the journal, when it is desired by any delegate; and the delegates of a state, or any of them, at his or their request shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the legislature of the several states.

ART. 10. The committee of the states, or any nine of them, shall be authorized to execute, in the recess of congress, such of the powers of congress as the united states in congress assembled, by the consent of nine states, shall from time to time think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise

of which, by the articles of confederation, the voice of nine states in the congress of the united states assembled is requisite.

ART. 11. Canada acceding to this confederation, and joining in the measures of the united states, shall be admitted into and entitled to all the advantages of this union; but no other colony shall be admitted into the same unless such admission be agreed to by nine states.

ART. 12. All bills of credit emitted, monies borrowed, and debts contracted by or under the authority of congress, before the assembling of the united states, in pursuance of the present confederation, shall be deemed and considered as a charge against the united states, for payment and satisfaction whereof the said united states and the public faith are hereby solemnly pledged.

ART. 13. Every state shall abide by the determinations of the united states in congress assembled, on all questions which by this confederation are submitted to them. And the articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual: nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a congress of the united states, and be afterward confirmed by the legislatures of every state.

AND WHEREAS it hath pleased the Great Governor of the World to incline the hearts of the legislatures we respectively represent in congress, to approve of, and to authorise us to ratify the said articles of confederation and perpetual union. Know YE, that we the undersigned delegates, by virtue of the power and authority to us given for that purpose do, by these presents, in the name and in the behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual union, and all and singular the matters and things therein contained. And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the united states in congress assembled, on all questions which by the said confederation are submitted to them; and that the articles thereof shall be inviolably observed by the states we respectively represent; and that the union shall be perpetual. IN WITNESS whereof, we have hereunto set our hands in congress.

DONE at Philadelphia in the state of Pennsylvania, the 9th day of July, in the year of our Lord 1778, and in the third year of the independence of America.

The aforesaid articles of confederation were finally ratified on the first day of March, 1781, the state of Maryland having, by their members in congress, on that day acceded thereto, and completed the same.

<i>New-Hampshire,</i>	{ Josiah Bartlett, John Wentworth, jun.
<i>Massachusetts</i>	{ John Hancock, Samuel Adams, Elbridge Gerry,
<i>Bay,</i>	{ Francis Dana, James Lovell, Samuel Holton.
<i>Rhode Island,</i>	{ William Ellery, Henry Merchant,
<i>&c.</i>	{ John Collins.
	{ Roger Sherman, Samuel Huntington,
<i>Connecticut,</i>	{ Oliver Wolcott, Titus Hosmer, Andrew Adams.
	{ James Duane, Francis Lewis, William Duer,
<i>New-York,</i>	{ Gouverneur Morris.
	{ John Witherspoon, Nathaniel Scudder.
	{ Robert Morris, Daniel Roberdeau, Jonathan Bayard Smith,
<i>Pennsylvania,</i>	{ William Clingan, Joseph Read.

<i>Delaware,</i>	{ Thomas M'Kean, John Dickinson, Nicholas Vandyke.
<i>Maryland,</i>	{ John Hanson, Daniel Carroll.
<i>Virginia,</i>	{ Richard Henry Lee, John Banister, Thomas Adams, John Harvey, Francis Lightfoot Lee.
<i>North Carolina,</i>	{ John Penn, Cornelius Harnett, John Williams.
<i>South-Carolina,</i>	{ Henry Laurens, William Henry Drayton, John Mathews, Richard Hutson, Thomas Heywood, jun.
<i>Georgia,</i>	{ John Walton, Edward Telfair, Edward Longworth.

APPENDIX.

No. III.

THE following principles, with respect to land titles, have been decided by the supreme court, since the publication of the second volume of this edition ; and although the same principles, or most of them, are contained in the note to the laws respecting the land office, they are subjoined here, for the purpose of embracing in this work all the authorities on that important subject, which could be conveniently procured.

In the case of the lessee of *Duncan v. Curry* and others, tried at a circuit court, in Centre county, in June, 1868. *Brackenridge, J.* laid down the following rules with respect to the applications of 3d April, 1769.

1. That between two applications, entered 3d April, 1769, commonly called *lottery applications*, because the preference was decided by *lottery*, that which came out of the wheel first, and was lowest in number, had the preference.

2. That the jury were to decide, as a matter of fact, which of the two applications was most descriptive of the land in dispute, or whether either of them could be properly applied to that land.

3. That an application, descriptive of the land, is to be preferred to one not descriptive of it, though such descriptive application is higher in number, provided due diligence is used in obtaining a survey.

4. That if the holder of the application intitled to the preference, does not put it into the hands of a surveyor, and the holder of the other inferior application puts it into the surveyors' hands, in such case the surveyor may make the survey on the inferior application ; but still, if the holder of the application originally intitled to the preference, comes forward before the return of the survey, and accounts satisfactorily for his delay, the surveyor *may*, and *ought* to make the return for him.

5. That after a return made in favour of the holder of the inferior application, the holder of the application originally intitled to preference, may enter a caveat in the land office, and bring his case before the board of property, who, if they are of opinion there has been no unreasonable delay, may order a patent to the caveator.

6. That after all these proceedings, either party may bring the case before a court of justice, where the decision of the board of property is not considered as conclusive.

The judge further added, that in case even where the application is less appropriate, or where it is the later number, or where it is both, but was the only one put into the hands of the surveyor to survey upon, the only one he was called upon to return, or where there was no caveat, or call before the board, and under these circumstances a patent is issued, it is too late to talk of a preference in a court of law. It might have been, that had the party come forward and shewn his rights, the opposite claim might have been withdrawn. But where the other party, hearing nothing of an opposite claim, is led to pay the purchase money, I think it ought to conclude.

It cannot be heard from a party that he did not hear of a survey of an adversary order, made or returned, so as to object to it ; for what is done by public officers, and the records of a public office, must be known to all people, or considered to be known. It is what the law calls constructive notice, and binds equally with actual. I must therefore conclude notice, and by nonclaim the right of preference is waived.

I deduce these principles, says the judge, from the conditions by the late proprietaries of the soil, annexed to grants of this nature ; from the regulations of the proprietary office in carrying these grants into effect ; from acts of assembly since the commonwealth succeeded to the estate of the late proprietary ; from the regulations of the land office since ; from the knowledge I have of the principles adopted and sanctioned by courts of justice ; from my own ideas of justice between individuals, and ideas of public convenience, and the general interest of the community.

On motion for a new trial, on the ground of misdirection in point of law, which came on to be argued at Sunbury in the middle district, June 11th, 1810. The court acceded to the general principles here stated, though like other general rules they are liable to exceptions. Applications which do not exclusively call for particular spots of land, were never deemed efficacious to give a title to lands, unless they were reduced to certainty by a survey. They have been called the mere expressions of a will to take up lands ; but have never been construed as contracts binding on either party, when standing alone. Titles will relate back

to the applications, when followed up with due diligence ; but it would be unreasonable and unjust, that indescriptive early locations should prevent the settlement of the country, by being kept in the back ground. Later orders of survey duly prosecuted, though equally indescriptive, will be intitled to a preference over them. The intention of the party is of no avail, as to the lands he applies for, unless that intention is apparent on the face of his application, and becomes thereby unequivocal notice to other appliers. This point has been often decided. A location is a good inception of title, but it may be abandoned either wholly, or partially. Evidence of this abandonment is generally submitted to the decision of the jury ; but it may often happen, that instances may occur of such abandonment, wherein the court may feel no difficulty in giving their sentiments to the jury, that the gross delay and *laches* of the party were conclusive on him. A new trial was refused. 3 *Binney*, 14.

So, in the lessee of *Bond* and others, *v. Stroup*. The chief justice, in delivering the opinion of the court, says, " It has been long settled, that shifted applications have no commencement of title, till the survey is returned ; because before the return the proprietary officers have no notice of such survey, and are therefore at liberty to grant the land to any other person. But it has been also settled, that a person who has actual notice of a survey, before the return, shall be bound by such notice. And although the proprietor of a younger survey, may have actual notice of the survey upon the shifted application ; yet if there is *laches* in the return of this survey, and in the mean time the younger survey is sold to a *bona fide* purchaser, without actual notice, he will hold the land. 3 *Binney*, 66.

And, in the lessee of *Blaine v. Johnson*, it was again held, that a descriptive location, the survey on which is unreasonably delayed, loses its preference against a subsequent warrant or location with a prior survey—against a settlement right acquired before the survey on the old location ;—and against a notorious, well established possession, under a subsequent descriptive location. 3 *Binney*, 103.

And with respect to surveys, it was held, in the lessee of *Keble v. Arthurs*, that if a party knows of a survey having been made for another, and returned to the land office, without any improper conduct in the person obtaining it, it is against equity to permit the party having such knowledge, to take advantage of those irregularities in the survey, over which the owner of it had no control. 3 *Binney*, 26.

So, in the lessee of *Wirt v. Stephenson*. It was held, that a return of survey is strong presumptive evidence, that a regular survey has been made upon the ground ; and it lies upon the party objecting to it, to shew that it has not, by such circumstances as are inconsistent with a survey. 3 *Binney*, 35.

And in the lessee of *Cox v. Cromwell*, it was determined, that the owner of a prior warrant and survey, upon which the purchase money is paid, is not barred, either in law or equity, from recovering in ejectment, notwithstanding there has been a decision against him by the board of property, in consequence of his neglecting to attend the hearing upon a caveat, and has lain by *fifteen* years after that, during which the party in whose favour the caveat was decided, has paid his purchase money, obtained a patent, and made improvements on the land. Although the owner of such warrant and survey may relinquish the land, yet when the purchase money is paid, these circumstances are not sufficient evidence of relinquishment. The omitting to take actual possession of the land is no evidence of it ; nor can the delay to bring an ejectment be a bar, if it be for a length of time less than that prescribed by the act of limitations. A survey returned is legal notice, and will prevail against a subsequent patent granted to a third person, whether he had actual notice or not. The commonwealth cannot withhold a patent from the owner of a survey on which the purchase money has been paid, unless he has relinquished his title. Such relinquishment must be clearly proved, for it is in its nature an extraordinary act. Where no money has been paid, there may be many reasons which may induce a man to relinquish his purchase ; but why should one give up land which he has paid for ? The omitting to take actual possession is no evidence of relinquishment, because many persons take up land, with a view of letting it lie unimproved many years. And to sanction the verdict in this case, (which was for the defendant, in opposition to these principles) we must in effect declare, that a man forfeits his title, however good, by not appearing before the board of property, upon a caveat, though the adverse party is acquainted with his right ; or that a time short of the period prescribed by the limitation act, shall operate as a flat bar to the plaintiff's recovery—to either of which propositions the court could not accede. A new trial was therefore awarded. 3 *Binney*, 114.

The declarations of a deputy surveyor, that he had made a certain survey, under an order from the proprietaries, are not evidence, although he was dead before the trial, and all his official papers had been accidentally burnt, and although, in addition to these circumstances, the warrant of acceptance recited that the survey had been made under such order.

Though such recital is good evidence against the proprietary, it is not evidence against third persons claiming adversely to the survey, by a title commenced before the return of the survey.

Title by settlement and improvement, though it has been in some measure shaken, is now as well established as any species of title in *Pennsylvania*, and very often has been preferred to warrant, survey and patent. Lessee of *Bonnet v. Devoeugh & al.* 3 *Binney*, 175.

The following important case was decided at May term, 1812, in the Supreme Court, for the Lancaster District.

The Commonwealth, on the relation of Robert E. Griffith v. John Cochran, secretary of the Land Office.

On the 20th of May, 1811, on motion, and *affidavit* filed, a rule was granted, that the secretary shew cause on Monday the 27th of May, why a mandamus should not be issued, commanding him to prepare and deliver patents to Robert E. Griffith, who survived Philip Nicklin, (which said Robert and Philip, in the life-time of the said Philip, were assignees of Joseph Boon, who was assignee of John Nicholson) for sixty-eight tracts of land, situate in what was formerly called the eighteen districts, and which were surveyed on sixty-seven warrants of one thousand acres each, and one warrant for four hundred acres, dated 19th March, 1805, the purchase money for which warrants were paid at the time they issued, and the surveys made thereon, returned into the surveyor-general's office on the 3d February and 15th March, 1808, and accepted; the said warrants being issued on the application of the said John Nicholson, and in pursuance of two decisions of the board of property, one dated 14th January, 1804, and the other 25th January, 1805, on the said Robert E. Griffith paying into the treasury of the commonwealth, the purchase money due for the surplus quantity of land contained in the surveys made on said warrants, with interest upon the same from the time of the surveys being made, respectively, until the 5th of November, 1810, when a sum of 1800 dollars in specie, equal to the payment of the whole thereof, and the fees of patenting the said tracts, was tendered to him, with an offer immediately to pay the whole purchase money, and interest as aforesaid due, with the said patenting fees, into the treasury, for the purpose of obtaining patents for the said tracts, upon being furnished by the said secretary with the requisite certificates to the treasurer for that purpose, which the said secretary refused.

To this rule the secretary returned, on the 27th of May—"That he has no cause to shew, excepting that the said Robert E. Griffith has not paid a balance of purchase money, interest and fees due on the lands; which the act abolishing the offices of receiver-general, and master of the rolls requires to be done before patents can lawfully issue."

"The said secretary has always been ready, and now is ready, to perform every act and thing on his part, towards preparing and delivering said patents, any representation, or false statement made to the honorable court, to the contrary notwithstanding.

"Had the secretary been required to shew cause why calculations were not made agreeably to the direction of Mr. Griffith's agent, several good reasons might have been furnished; but as the making of calculations, or causing them to be made, is exclusively the duty of the said secretary, he claims the right of making them, subject to the control of the board of property; who have, in the case of Nicklin and Griffith's warrants, directed him how to proceed. And if the secretary has refused to make calculations agreeably to the wishes of said agent, being so instructed by the board, under whose control he is, the refusal, of course, was a refusal of the board, and not of the secretary of the land-office; and although he, as well as the other members of the board, are ever ready to respect the decisions of the court, and in a certain degree consider themselves bound thereby, yet when duties are pointed out by express and written acts of the legislature, the said secretary considers himself exclusively bound to adhere to them. If the court is to hear complaints, and order the secretary of the land office in making calculations, in all cases where the board directs, and he makes them different from the wishes of the applicants, then, indeed, will the court find ample business to do; because the cases are numerous, where frauds and irregularities are discovered, and whereby the state would lose money if they were not corrected. The land officers conceive themselves sufficiently empowered to detect and correct these frauds and mistakes, and believe it to be their bounden duty to exercise it. If this power is not vested in them, they would be glad to know it; for they have no disposition to assume powers not delegated to them; nor can they have any possible interest, but are well aware that they will sufficiently incur the displeasure of the party against whom their decision may be; and particularly in cases of wilful fraud. The secretary, however, (and he can also say his colleagues,) will strictly adhere to what they consider their duty, independent of every other consideration; and it is not doubted but the honorable court will applaud rather than censure them for so doing.

"Had the secretary refused to do his duty, (which he did not,) and was obliged to go into the merits of the case, he would have claimed indulgence of the honorable court, until he could have had an opportunity of consulting the attorney-general, which the shortness of the notice, combined with the necessary attendance at his office, deprives him of. He shall, however, content himself at present, by assuring the honorable court again, that he stands ready and willing to perform every duty on his part, towards preparing and delivering said patents.

On the 30th of May, 1811, a second rule was granted on the secretary, to shew cause on Saturday the 1st of June, why a mandamus should not be issued; pursuing the terms of the first rule, with the following variation, viz. "commanding him to prepare and deliver the

usual certificates and calculations of the purchase money and interest due for the surplus quantity of land contained in the surveys made upon sixty-eight tracts of land, together with the patent fees for the said tracts, towards enabling him to obtain patents for the same on the payment thereof.”—And further alleging, that “regular certificates, for the purpose of patenting, had been issued by the surveyor-general, on the said surveys respectively, and deposited on and previously to the 5th of November last, with the said secretary.”—and the tender of the money as before—“which certificates and calculations then were demanded of the said secretary, and refused by him.”

To this rule, the secretary returned, on the 1st of June, as follows:—“On the 30th of May, a notice was served on the secretary of the land office, to shew cause this day, why a mandamus should not be issued, &c. wherein it is stated that the “usual certificates and calculations of purchase money, &c. for sixty-eight tracts of land, &c. were demanded of the said secretary and refused by him.”

“The said secretary says, that on the 6th of November, 1810, sixty-one calculations had been made, on so many of said tracts, and the usual certificates made out therefor, and severally signed by the said secretary, and no objections made as to delivering the same, which the said secretary stands prepared to prove.

“Seven of the said sixty-eight tracts, however, at that time, could not be acted upon, because they contained a greater surplus than by law could be received. But that difficulty is now removed by an act passed last session.”

This return not meeting the real point in controversy, viz. the dispute respecting the time from which the interest was to be calculated, a mandamus was awarded, on the 1st June, 1811, returnable the third Monday of May, 1812, to shew cause, &c.

To this mandamus the following return was made.

“Whereas a mandamus was awarded by the said court, against the secretary of the land office, on the 1st June, 1811, commanding him to shew cause on the third Monday of May, 1812, why he had not conformed to, and complied with, a rule granted 30th May, 1811, which rule required him to shew cause why he did not prepare and deliver to Robert E. Griffith the usual certificates and calculations for sixty-eight tracts of land, &c.

“The said secretary, with all due deference to the honourable court, in return to said writ, answers, that he thought he had superseded the necessity of issuing said rule, by having answered to a previous rule in the same case, wherein he had stated, that he had never refused, but was ready and willing at all times, to do and perform every act on his part, towards preparing and delivering patents for said tracts, (preparing of which certificates was a part of his duty towards the issuing of patents,) as soon as said Griffith had paid the respective fees and balances due the state. The said secretary also thought he had superseded the necessity of issuing the said writ, by having in his return to said last rule, stated that calculations had been made out for sixty-one of said tracts, with certificates to the treasurer for the same, which had been severally signed, and ready for delivery when called for; and that the difficulty respecting seven others had been removed by an act of the legislature. The said secretary therefore thought the honourable court would not have commanded him to do, what he had not only not refused to do, but had actually done and performed; which will appear by the annexed *affidavit*.

“There is no person more ready than the said secretary to obey the constituted authorities of government; but the present case being an irregularity, touching an imperfect title, the said secretary, (as at present advised) thinks the exclusive power of deciding thereon, is vested in the board of property, and consequently any thing touching the same, is not within the jurisdiction of the honourable court. It is a case between the commonwealth and an individual, wherein the treasury is interested several thousand dollars; and the said secretary considers it taking by indirect means, the commonwealth into court, without the consent of her immediate representatives, which the said secretary believes cannot constitutionally be done. By the sixth section of the fifth article of the constitution, the legislature are authorized to distribute the judicial powers as they shall judge proper. And by an act passed 5th April, 1782, the board of property are constituted a court, “to hear and determine in all cases of controversy on caveats, in all matters of difficulty, or irregularity, &c. touching imperfect titles, or otherwise, &c.” and these powers are by subsequent laws, (since the adoption of the present constitution,) transferred to the existing board.

“This, then, being an irregularity, touching an imperfect title, the power would appear to be clearly given to the board to decide thereon. It cannot be said this comes under the provisions of the third section of said law, which authorizes either party to enter his suit at common law, after a decision.”

“By another act, passed 29th March, 1809, it is made the exclusive duty of the secretary of the Land-office, to make, or cause to be made, all calculations, &c. and by another act, passed 21st March, 1806, it is declared, “that in all cases where a remedy is provided, or duty enjoined, or any thing directed to be done, by any act or acts of assembly, of this commonwealth, the directions of the said acts shall be strictly pursued, &c. The board, with full powers, have corrected the irregularity in the present case, and directed the manner that the calculations shall be made; and the secretary of the land-office has caused the same to be made accordingly. The honourable court will not then, he presumes, command the said secretary to disrespect the directions of the board,

and direct him to make calculations in a different manner, and thereby prejudice the state, by preventing a large sum of money from going into the treasury. If the said secretary were to disobey the directions of the board, in a case where they had decided on an imperfect title, he would consider himself guilty of a misdemeanor in office, and consequently liable to impeachment, by the 3d section of the 4th article of the constitution. He cannot, therefore, knowingly, be guilty of a breach of his official duty."

The *affidavit* referred to in this return, sworn to before president *Franklin*, by the deputy secretary of the land office, stated the facts of presenting the tickets and requesting the calculations and certificates to the state treasurer, for the sixty-eight tracts, in November, 1810. That calculations were made on sixty-one of the tickets, &c. as directed by the secretary of the land-office, and the usual certificate made out, dated 6th November, 1810, and signed by the secretary, &c.—That three or four days afterwards, the agent came to the office, and enquired if calculations on the tickets left by him had been made, which was answered in the affirmative, and the certificates offered to him. That he enquired on what terms the calculations were made, and was answered by deponent, that they were made agreeably to the terms directed by a minute of the board of property, a copy of which he shewed to the agent, who read it, and said, that as they were made in conformity to that decision of the board, he would not take the certificates, as he did not intend to pay the amount therein stated to be due. That the said certificates have ever since remained in the office, and would at any time have been delivered to the agent, had he demanded them.

The minutes of the board of property, at different times, material to this case, are as follow; and are necessary to a full understanding of the nature of the controversy.

January 14th, 1804. The board resumed the consideration of the application of Joseph Boone, assignee of John Nicholson, to have warrants granted him on the application of John Nicholson, made the 21st April, 1794, for two hundred and six warrants, containing 202,400 acres, in the eighteen districts, when the following facts appeared.—

That on the said 21st day of April, the said John Nicholson made a regular application for the said two hundred and six warrants, which was entered, and the said Nicholson then gave the then receiver-general, a check on the Bank of Pennsylvania for 27,838 dollars 13 cents, including the surveyor-general's and secretary's fees, on which he was credited on the cash book of the receiver-general for the amount. But the check, when presented on the 29th of April, for payment, being dishonoured, the receiver-general obliterated the entry, on the blotter, of said lands, and refused to pass his receipt to John Nicholson's credit in the premises. That the said John Nicholson, on the 14th day of June, 1794, tendered at the receiver-general's office, to the then receiver-general of the land-office of Pennsylvania, the sum of money aforesaid, on the aforesaid application, which the receiver-general refused to receive, with which the said John Nicholson was dissatisfied, and applied to the attorney-general respecting the same; that no money was ever paid by the said John Nicholson on the said application; that the said John Nicholson, (who is now dead,) on the 16th of April, 1793, assigned and transferred the said applications to the said Joseph Boone, who now applies for the said warrants, and offers to pay the purchase money for the same to the commonwealth.

The board taking the premises into consideration, on due advisement had, do order and decree, that the said tender by the said John Nicholson, of the purchase money and fees to the said then receiver-general, and his refusal to receive the same, were, as to rendering the said application good and effectual in law, equivalent to payment, being all the said applicant had in his power to do. That by the assignment and transfer of the said application to the said Joseph Boone, the right to prosecute and carry the same into effect, became vested in him. The board, therefore, order that warrants issue to the said Joseph Boone, as assignee of the said John Nicholson, upon the said application, he paying the purchase money agreeably to law.

January 25th, 1805. The petition of Messrs. Nicklin & Griffith, stating, "that by a decree of the board of property, made on the 14th January, 1804, it was ordered that warrants for two hundred and two thousand four hundred acres, should issue to Joseph Boone, as assignee of John Nicholson, in the eighteen districts, he paying the purchase money according to law.

That the right of the said Joseph Boone, in the said decree, has been in due form of law, transferred to the petitioners, who believe they have discovered vacant and unappropriated lands in the said districts, to the amount of thirty thousand acres, on which a like portion of the said warrants may be laid, and requesting warrants to the amount of thirty thousand acres to issue to them, as assignees of the said Joseph Boone, in part execution or satisfaction of the said decree, upon their paying the purchase money according to law, on that portion of the said warrants decreed to the said Joseph Boone—was read—whereupon, the board considered,

That according to the opinion of the attorney general, John Nicholson, upon payment, on or before the 1st of June, 1794, of the purchase money for two hundred and six warrants applied for by him on the 21st day of April, 1794, "became intitled to the warrants applied for; and the tender and refusal of the money on or before that day, was equal to the payment, so far as to vest the right in Mr. Nicholson; his assign therefore is intitled to the warrants for the lands applied for upon payment of the purchase money." And that the

tender for the same was so made. And the board further considering, that the act, intitled "an act to prevent the receiving any more applications, or issuing any more warrants, except in certain cases for land within this commonwealth," passed the 22d day of April, 1794, declares "that all applications for lands that remain on the files of the land office, after the said fifteenth day of June (then) next, and for which the purchase money shall not have been paid on that day, shall be null and void, &c." thereby giving the space of fifty-four days from and after the passing of that act for such payment to be made, and no more, there appears reasonable ground to doubt, whether, consistent with the spirit of that act, the board may allow unlimited time for payment for the lands so applied for by the said Nicholson, at the discretion of his assignees. Therefore,

Ordered, That for so much of the lands so applied for by John Nicholson, as shall be paid for into the hands of the receiver general within fifty-four days from this time, warrants to issue to the assignee or assignees of the said John Nicholson.

But the minute or decision which gave immediate rise to the present controversy, is the following.

October 26th, 1810.—On the 8th of October (instant,) Robert E. Griffith applied to the secretary of the land office, by his attorney, for patents of confirmation to lands in Clearfield county, surveyed on warrants dated 19th March, 1805, granted to Philip Nicklin and Robert E. Griffith. The secretary of the land office had doubts as to the propriety of granting patents, until the board has held the subject under advisement till this time, and have examined the laws and facts relating thereto; and find, that on the 21st day of April, 1794, John Nicholson applied to the receiver general for 202,400 acres of land in the eighteen districts. The act of the 8th of April, 1785, directs that "every such applicant shall set forth in words at length, and not in figures only, the number of acres asked by each applicant respectively." The same law says, that the secretary of the land office "shall receive and file all applications made to him for lands within the late purchase." The application of John Nicholson was made to the receiver general, and not to the secretary of the land office; his application does not set forth in words at length, the number of acres asked for. A check was given to the receiver general on the said 21st day of April, 1794, which check was refused at the bank; in consequence of which, on the 29th of April, 1794, the receiver general obliterated the entry he had made in his blotter, of the sum contained in said check, being 27,838 dollars and 13 cents. On the 22d of April, 1794, a law passed making all applications void that remained on the files after the 15th of June (then) next, for lands in the new purchase, whereon the money had not been paid on that day, and barring the receiving any more applications for lands in said purchase, except in favour of actual settlers. On the 14th of June, 1794, the receiver general states, that John Nicholson made tender of the sum of 27,261 dollars and 33 cents, as purchase money and fees for 206 warrants, containing 202,400 acres, but does not state on what account he refused the money, but that said Nicholson was dissatisfied to the attorney-general. On the 16th of April, 1798, John Nicholson assigns his right of said claim to Joseph Boone. On the 12th of August, 1802, Mr. Dallas has given his opinion, that the board of property is not merely justifiable, but officially bound to direct the issuing of the warrants, on the ground that a tender of the money was equal to payment, so as to consummate the right of the applicant. On the 19th of August, 1802, another opinion of Mr. Dallas was given on the same subject, which is similar to the first. On the 25th of September, 1802, Joseph B. McKean has also given an opinion which in substance is the same as that of Mr. Dallas. On the 22d of September, 1794, another act passed, which does not appear to have been noticed, either by the board or attorneys, whereby all applications made since (after) the first day of April, 1784, and on the files or books of the land office, for lands within this commonwealth, for which the purchase money have not been paid at the passing of the act, shall from and after the passing said act, be null and void, and that none shall be received, except for lands whereon an actual settlement, &c. shall be made. On the 14th of January, 1804, the board of property have decided in favour of issuing warrants to the said Boone, for the said 202,400 acres of land, he paying the purchase money agreeably to law. On the 25th of January, 1805, the board have decided in favour of granting warrants for 30,000 acres to Nicklin and Griffith, as assignees of Joseph Boone, and on the 19th of March, 1805, 78 warrants issued to Nicklin and Griffith, for 1000 acres each, and 6 ditto, of 400 acres each. Nicklin is since deceased, and patents of confirmation are requested in favour of said Griffith, as the surviving joint-tenant, and sole owner of these lands. The question then is, whether these warrants have issued regular, agreeably to the existing laws of the commonwealth, and if not, whether under existing circumstances, it would be proper to confirm the title by patent to said Griffith. The present board on consideration of the subject, cannot agree that the warrants have issued strictly agreeably to law. The application ought to have been made to the secretary of the land office, and not to the receiver general, which is plain from the 2d section of the act of April 8th, 1784; nor does the application set forth, in words at length, "the number of acres asked for." The board are of opinion, that as no application was on file in the land office before the 22d of April, 1794, that after that time none could be received or filed except in favour of "persons claiming lands by virtue of some settlement and improvement,"—its being filed in the receiver general's office was not sufficient,

as the law required it to be filed in the "land office;" and it is notorious, that one office has always been distinguished by that name, and the legislature could not have intended that applications should be received and filed in any other; of course the applications were not legally filed before the 22d of April, 1794. If, however, it had been filed in the land office before the 22d of April, 1794, the law of that day makes it void, unless the money is actually paid (not tendered) before the 15th of June following. Another act was passed on the 22d of September, 1794, which, if there was any doubt about the first act making the application void, this one must remove the doubt. But it is urged that a tender was made on the 14th of June, one day before the law of the 22d of April, 1794, passed (which made void the application) and that a tender was equal to the payment, so as to "consummate the right of the applicant." The two acts of assembly, however, are in opposition to the opinion of Mr. Ingersoll and Mr. McKean, and the board are inclined to think, that the acts of the legislature ought to have prevailed. When Mr. Nicholson made the tender, and it was refused, why did he not apply to the board of property at that time. He must have known that the attorney general had no controul over the receiver general, but the board of property had, and if the board had refused, he might have applied to the supreme court, or to the legislature for a redress. These were the only legal steps, and all are omitted on the part of Mr. Nicholson, and not one legal step is ever taken on his part, till his assignee, on the 14th January, 1804, (nearly ten years after the original transaction took place,) applies to the board, and offers to pay the money "agreeably to law." The then board, respecting the opinions of the attorneys, decided in favour of issuing the warrants; but still the money is not paid, nor the warrants issued, until the 19th of March, 1805, and not until after another assignment had taken place, nearly eleven years after the first application. Under all these circumstances, however, as the warrants have been issued, and a considerable sum of money paid, (although, as the board conceive, not agreeably to law,) yet being convinced that no evil (injurious to the commonwealth) can arise by confirming the title; and that some inconvenience might arise to the warrantees by not doing it, and also believe the powers given the board by law, sufficient to warrant them in so doing.

And the board also considering, that as said Nicholson did not take any legal step to obtain a redress after his tendering the money, within a reasonable time, and that he ought not to be benefitted by his own wrong acts, and thereby injure the commonwealth, by holding his claim to the land, and withholding the money from the public treasury. The board do therefore direct, that patents issue to the said Griffith for the same, as surviving joint-tenant, he first paying into the state treasury, the balance that may be found due on each of the tracts, surveyed on said warrants, *including interest on the same from the 21st of April, 1794, together with the price of the legal surplus land and office fees.*

The case was very fully argued this term, by Mr. Hopkins, in support of the mandamus, and the attorney general, Mr. Ingersoll, for the secretary of the land office.

After argument, the court delivered their opinions, 30th May, 1812.

Tilghman, C. J. Although this court has, in several instances, granted rules on the secretary of the land office, to shew cause why a mandamus should not issue, commanding him to make out patents, yet no mandamus has ever issued, because these rules have been made in consequence of the wish of the board of property to know the opinion of the court, and to comply with it. In the case of the Commonwealth v. Tench Coxe, secretary of the land office, the propriety of this remedy was brought into question, but not decided on, as the mandamus was denied on the merits of the case. The power of the court to issue writs of mandamus is confessed; it is grounded on an old act of assembly, 22d May, 1772, (Vol. 1. page 140,) by which we have all the powers of the court of King's Bench, Common Pleas and Echequer in *England*. But it is contended, that this is not a case in which that power can be properly exercised. It becomes necessary, therefore, to consider the nature of the case. Without entering unnecessarily into its merits, it appears, that on the 21st of April, 1794, John Nicholson, deceased, under whom Mr. Griffith claims, entered applications for 206 warrants, containing 202,400 acres of land, for which he gave his check on the bank of Pennsylvania for 27,838 dollars and 13 cents, to the receiver-general. On the 29th of April, the check was presented, and payment refused by the bank. On the 14th of June, of the same year, Nicholson tendered the amount of the check to the receiver-general, who refused to receive it, having obliterated the credit entered to Nicholson in his books, at the time the check was given. The right of Nicholson, under those applications, has, after several assignments, become vested in Mr. Griffith. In 1805, the board of property made an order, that warrants for 80,400 acres should issue, on payment of the *purchase money according to law*. The warrants were accordingly issued, the usual purchase money paid, and surveys have since been returned, containing the quantity called for by the warrants, and a considerable surplus. Mr. Griffith, wishing to obtain patents on these surveys, applied to the secretary of the land office to make calculations, ascertaining the sum to be paid to the treasurer. A considerable difference of opinion prevails between the secretary and the agent of Mr. Griffith, with respect to the balance due to the commonwealth; the secretary contending that interest should be paid from April, 1794, when the applications of Nicholson were en-

tered. The matter of interest, I understand, to have been the sole point of controversy, Mr. Griffith having been always ready to pay the balance of the principal, and all fees of office. The cause shewn upon the mandamus is, that the secretary has been always ready to make the calculations according to the principles laid down by the board of property, to whom the case was submitted, and that in fact the calculations were made and offered to the agent of Mr. Griffith, who refused to receive them.

The principles which govern the court, in issuing writs of mandamus, are well understood, and the counsel who argued this cause, have not differed in that respect. Where a ministerial act is to be done, and there is no other specific remedy, a mandamus will be granted to do the act which is required. But where the complaint is against a person who acts in a judicial or deliberative capacity, he may be ordered by a mandamus to proceed to do his duty, by deciding and acting according to the best of his judgment; but the court will not direct him in what manner to decide. This was the principle adopted by the Supreme Court of the United States, in the case of the United States *v.* Lawrence, and it has frequently been recognized by this court, particularly in the case of the Commonwealth *v.* The Judges of the Court of Common Pleas of Philadelphia county. 3 *Binney*, 273.

But it is said, that the act required of the secretary is purely ministerial, and enjoined on him by the third section of the act of 29th March, 1809. By this act, the office of receiver-general is abolished, and it is directed that the secretary of the land office "shall make all calculations of purchase money and interest on lands sold, or that shall be sold, by the state, and direct the payment of the money by the applicant, with the price of the warrant, into the state treasury." Those calculations were formerly made by the receiver-general, who, as well as the secretary of the land office, was a member of the board of property. As the objection to the mandamus rests in great measure on the order of this board, it will be proper to consider its nature and its powers.

The late proprietors established a board of property for superintending the business of the land office, which consisted of the principal proprietary officers: that is to say, the governor for the time being, the secretary of the land office, the surveyor-general, the receiver-general, and the auditor. This board was applied to, and decided in all matters of difficulty, and although not recognized as a judicial tribunal, yet the business brought before it was very important, and such as required great deliberation. We shall find, however, that after the commonwealth took the affairs of the proprietors into their own hands, they thought proper to clothe the board of property with judicial authority. By the act of 5th April, 1782, (Vol. 2, page 14,) the board of property was established, and its powers defined—that is to say, they were "to hear and determine in all cases of controversy on caveats, in all matters of difficulty or irregularity touching escheats, warrants on escheats, warrants to agree, rights of pre-emption, promises, imperfect titles, or otherwise, which heretofore have or hereafter may arise, in transacting the business of the land office;" but it is provided, that the courts of law shall be open to any party who is dissatisfied with the sentence of the board, as fully as if no sentence had been given. There are other legislative provisions, by which they have power to administer oaths in causes depending before them, (Vol. 4, page 112,) and their decision on caveats, respecting lands in certain parts of the state, are conclusive, unless an ejectment is brought in six months, by the party against whom the decision is made, (Vol. 3, page 74.) The constituent members of the board have been varied from time to time: It consists at present of the secretary of the commonwealth, the secretary of the land office, and the surveyor-general, (Vol. 5, page 47.)

According to the true intent of the act of 1782, if a difficulty arises in any particular department, it is the duty of the officer to refer the matter to the board, and such has been the conduct of the secretary of the land office on the present occasion.

I do not consider the calculation of the purchase money as an act merely *ministerial*; for in order to ascertain the amount, the contract must be examined. The price of land has been different at different times, and in different parts of the state; and sometimes conditions have been annexed to the purchase, besides the payment of money. I can conceive many difficulties which may arise from these circumstances. Besides, the secretary of the land office may have reason to think that there has been something wrong in the conduct of the applicants for lands, or of the deputy surveyors, or other officers; and in such case it would be his duty to stop the calculation until the matter is decided by the board. If the secretary had in this case refused to make any calculation, or take any step whereby the business of the applicant might be despatched, it would certainly have been our duty to compel him by mandamus; but having taken measures for the decision by the proper authority, of a matter in which he conceives there is difficulty, and having offered to act according to the decision of that authority, he has shewn sufficient cause against a mandamus, unless there is some other principle by which we are called upon to interpose.

It has been said there is such a principle, and that an interposition is necessary to prevent a defect of justice. If by a defect of justice it is meant, that no action lies against the commonwealth, it is clear that this would be no ground for a mandamus. For if the commonwealth, by our constitution, is not subject to an action but with its own consent, then we have no right to do that *indirectly* by mandamus, which we have no power to do *directly*, and we might as well be called upon to issue a mandamus to the state treasurer, to pay every debt which is claimed by an individual from the state.

But although no suit can be brought directly against the state, yet the case of Mr. Griffith is not entirely without remedy. For having tendered the money to which the state is justly entitled, he may enter on the lands and hold them, or in case the state grant them to other persons who take possession, he may support an ejectment against such persons. His situation, indeed, as to obtaining a complete title by patent, is not much different from what it would be, if his contest was with an individual. For we have no court of chancery to compel a specific performance of a contract for the purchase of land; but when the party entitled to a conveyance does every thing necessary to be done, in order to obtain a decree for a specific performance, he stands with us, in a situation to support, or defend, an action for the possession of the land. But even if there was a total defect of justice, I do not conceive that that consideration would authorize a mandamus against a member of the board of property, acting under the direction of the board, in a matter on which they had a right to decide. Such a defect would deserve the serious attention of the legislature, but they alone would be competent to provide a remedy.

I have considered this case very attentively, because I am sensible that the state may suffer great injury from the suspense in which titles to large quantities of land is held. Uncertainty of title prevents the improvement of the country. But on which ever side I view it, I find insuperable objections to a mandamus. My opinion is, that the secretary of the land office has shewn sufficient cause, and therefore this court should abstain from any further proceedings.

Notes, J. The present case comes before us on a rule to shew cause, why a mandamus should not issue, commanding the secretary to prepare and deliver to Robert E. Griffith the usual calculations, &c. preparatory to patenting certain lands. Return has been made thereto, that these calculations have been made agreeably to the decision of the board of property, on the 26th October, 1810, computing the interest on the whole purchase money from 21st April, 1794, when the lands were applied for by John Nicholson.

The relator, Robert E. Griffith, who is the surviving assignee of the warrants, has objected thereto, inasmuch as a former board of property, before whom the matter was brought, have in their minutes made on the 14th January, 1804, recognized a tender of the large sum of 27,835 dollars, 13 cents, in full of the purchase money of 206 warrants, applied for by the said John Nicholson, as made on the 14th June, 1794; and that he and his assignees are exempted by reason thereof from the payment of interest in the intermediate time. The secretary in his return, has relied on his conformity to the decision of the board in October 1810, whose directions, in the case of an imperfect title to lands to be completed in the land office, he was bound to pursue; and it is now insisted by the attorney general, that this being a case wherein the fiscal concerns of the commonwealth are to be affected, the secretary of the land office, independently of the merits, ought not to be compelled to answer in this court, without a special law enacted for this purpose.

Under these facts, the question is, whether a writ of mandamus ought to be awarded? The case has been minutely stated by the chief justice.

It is a high prerogative writ, which issues in all cases, where the party has a right to have any thing done, and has no other specific means of compelling its performance. But such writs are not so convenient for the trial of title, as the usual common law actions, and are not to be unnecessarily multiplied. 2 *Binney*, 262. Though a mandamus will lie to an inferior jurisdiction to compel that tribunal to proceed to judgment, it shall never issue to prescribe what judgment shall be given. 3 *Dallas*, 53. 3 *Binney*, 275. It would be a waste of time to cite further authorities upon this point. But I cannot avoid mentioning, that shortly after I came on the bench, the court refused, in July term 1791, to award a mandamus against Matthew Clarkson, and others, commissioners of bankrupt, directing them to grant a certificate of conformity to one Freeport, who had been examined before them, though the court differed with the commissioners, as to his answers.

It is alleged here, that Mr. Griffith may enter on these lands, if vacant, and defend himself at law, if attacked; and if any other person enters adversely to his title, he may prosecute his writ of ejectment against him, and try his right. It is true that he cannot by these means obtain his patents, whereby he may convey a complete legal title to purchasers; but he has the same remedies, and stands in the same situation, as any other person who claims lands under articles of agreement, if from the circumstances of the case he would be entitled to specific execution, in a court of equity.

By an act of assembly, passed 5th April, 1783, (vol. 2, page 14,) a board of property was constituted, with power "to hear and determine in all cases of controversy on caveats, in all matters of difficulty or irregularity, touching escheats, warrants on escheats, warrants to agree, rights of pre-emption, promises, imperfect titles, or otherwise, which theretofore have, or thereafter may arise, in transacting the business of the land office."

Other organizations of the board have been made by two other laws, passed 8th January, 1791, (vol. 3, page 2,) and 29th March, 1800, (vol. 5, page 47,) but their powers continue as granted under the first law.

It is contended on the part of the relator, that the secretary of the land office is merely a ministerial officer, in making these calculations, and that the law must be his guide in that particular. Judicial knowledge certainly is not required in the performance of arithmetical

operations. But whoever will carefully examine the act of 8th April, 1785, (vol. 3, page 317,) which is one of the laws under which these warrants issued, will find it to be one of the most unintelligible, contradictory acts which appears in our statute book. This I well know, that in the discussion of a motion for a new trial, between the lessee of Willink and others, and Morris and Nicholson, in December term, 1800, the members of this court, after full argument by learned counsel, expressed very different opinions of the true construction of it.

It appears to me, that if any difficulty occurred to the secretary in the investigation of the relator's title to these lands, or as to the principles upon which the calculation of the purchase money should proceed, he was justifiable in convening the board of property, and requiring their directions in the premises, to which he was afterwards bound to conform; and that though this court should entertain an opinion very different therefrom, we ought not to enforce our decision upon the secretary by a writ of mandamus. Mr. Griffith is not concluded by the decision of the board, but may contest it at law, when the legal question will come before the court between proper parties. It cannot be the wish of the legislature to hang up the title in suspense, and thereby injure the public interests; and I should presume, that the legislature, on a proper application to them, would put the matter in a train for speedy decision.

I have cautiously avoided saying any thing on the merits of the case, which might lead to prejudice the claim of either party.

At present, I am of opinion, that the mandamus prayed for, should be denied.

Brackenridge, J. was absent during the term, from indisposition.

END OF THE APPENDIX

GENERAL INDEX

TO THE

LAWS OF PENNSYLVANIA,

IN

FIVE VOLUMES.

FROM

THE YEAR 1700,

TO THE

THIRTY-FIRST OF MARCH, 1812,

INCLUSIVE.

PHILADELPHIA :

Printed by John Bioren, No. 88, Chesnut-street.

1812.

FOR the greater convenience of finding the reference to any particular **Law** in the following **Index**, it may be remarked,

That *Vol. I.* includes the Laws from 1700, to 10th April, 1781.

Vol. II. from 21st June, 1781, to 5th April, 1790.

Vol. III. from 8th January, 1791, to 6th April, 1802.

Vol. IV. from 11th January, 1803, to 28th March, 1808.

Vol. V. from 23d December, 1808, to 31st March 1812.

As the terms of reference, in the **Index**, may not be familiar to all, it may be observed, that “*Infra*,” refers to the number lower down, under the same title ; and “*Supra*,” refers to the number higher up, or earlier, under the same title.

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ACCESSARY. } 1. If any person, or persons, shall counsel, advise or direct such woman, (i. e. a woman having issue, which being born alive, would by law, be deemed a bastard) to kill the child she goes with, and
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after she is delivered of such child, she kills it, every such person, so advising or directing, shall be deemed accessory to such murder, and shall have the same punishment as the principal shall have. (Act of 1718.)

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2. If the principal offender in any capital crime, shall be convicted of any such felony, or shall stand mute, &c. it shall and may be lawful to proceed against any accessory, either before, or after, the fact, in the same manner as if such principal felon had been attainted thereof, notwithstanding any such principal felon shall be admitted to the benefit of his clergy, pardoned, or otherwise delivered before attainder; and every such accessory shall suffer the same punishment, if he or she be convicted, or stand mute, &c. as he or she should have suffered, if the principal had been attainted. (Act of 1718.)

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3. If any person shall receive, harbour or conceal any robbers, or burglars, felons or thieves, or shall receive or buy any goods or chattels, that shall be feloniously taken or stolen by any such robbers or burglars, knowing the same to be stolen, and be convicted, &c. if he pray to have the benefit of this act, in lieu of clergy, judgment of death shall not be given against him upon such conviction, &c. but he shall be burnt in the hand, &c. (Act of 1718.) [*Infra* No. 10.]

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4. If any principal robber or burglar, felon or thief, cannot be taken, so as to be prosecuted or convicted for any such offence, nevertheless it shall be lawful to prosecute and punish every person buying or receiving any goods stolen by any such principal felon, knowing the same to be stolen, as for a misdemeanor, &c. although the principal felon be not before convict of the said felony; which punishment shall exempt the offender from being punished as accessory, if such principal felon shall afterwards be taken and convicted. (Act of 1718.) [*Infra* No. 11.]

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5. Where any murder or felony shall be committed in one county, and any person shall be accessory thereto in another county, that then an indictment found against such accessory, upon the circumstances of such matter, where such offence of accessory in any manner shall be committed or done, shall be as good and effectual in law, as if the said principal offence had been committed or done within the same county where the indictment against such accessory shall be found. And the mode of proceeding against such accessories in such case directed. (Act of 1718.)

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6. Every person who shall receive or buy of any felon, any horse, mare or gelding, knowing the same to be stolen, and being thereof legally convicted, shall be adjudged to suffer all and every the pains, penalties and forfeitures, by this act, (of 1767,) inflicted on the principal on conviction, (*Infra* No. 8.)

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7. Every person convicted as accessory to robbery, burglary, b—gg—y, or sodomy, before the fact, shall forfeit to the commonwealth all his lands and tenements, goods and chattels, of which he was seized or possessed at the time the crime was committed, and at any time afterwards, until conviction, and be sentenced to undergo a servitude, &c. not exceeding ten years in the penitentiary, &c. (Act of 1790.)

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8. Accessories before the fact, in horse stealing, on conviction, shall restore the horse, &c. stolen, or pay the full value to the owner—and the like value to the commonwealth, and undergo a servitude, not exceeding seven years, &c. (Act of 1790.)

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10. Accessories after the fact in any felony, or of receiving stolen goods, knowing them to have been stolen, or of any other offence not capital, for which, by the laws in force before 15th September, 1786, burning in the hand, cutting off the ears, pillory, whipping, &c.

	was inflicted, instead thereof shall be fined, and kept to hard labour, &c. not exceeding two years, &c.	Page 533
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4. The several auctioneers shall, once in every three months, or oftener, if required by the [comptroller-general] exhibit and render their accounts upon oath or affirmation to the said [comptroller-general] of all the effects or property by them sold at any time before the time of rendering the same account, and since his last settlement, and of the monies paid by him to the treasurer, arising from the duty upon sales; and failing or neglecting so to do, shall be discharged from their place, and their bonds put in suit, (*infra*, No. 41.) 87

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| 15. The auditor-general invested with power to compel all persons in the receipt or possession of public monies to render to him their accounts, and to enforce the attendance at his office, of such persons, whether party or witnesses, whom he may deem it necessary to examine in the investigation of any public account, and to administer all necessary oaths or affirmations; and also with power to compel the exhibition or delivery to him, (as the case may be) by any person possessing the same, of all official or public books, accounts, documents, or papers, which have any relation to, or connexion with any public account, and which he may deem necessary in the investigation and adjustment of the same; and the testimony of absent witnesses may be procured on a commission and interrogatories annexed, issued under the hand and seal of office of the auditor-general, if from sufficient cause, satisfactory to the state treasurer and auditor-general, the attendance of such witnesses cannot be procured. | 228 |
| 16. When any public account is examined and adjusted, entered in the books of the office and signed by the auditor-general, it shall be submitted with the vouchers, and all other papers and information appurtenant thereto, to the state treasurer, for his revision and approbation, who, for such purpose is invested with similar powers to those vested in the auditor-general. | 228-9 |
| 17. Persons attending on summons of the auditor-general, and refusing to exhibit their accounts, or to answer such questions as he may put to them touching the same, unless such answers shall tend to criminate themselves, may be committed by the auditor-general to gaol, until they comply, or be otherwise discharged by law. | 229 |
| 18. The state treasurer shall return all accounts and vouchers, &c. within a reasonable time, to the auditor-general, signed by him, if he approve thereof; but if he disapprove, he shall state his reasons therefor, in writing—and if upon re-consideration, the auditor-general and state treasurer cannot agree, the auditor-general shall lay the account and vouchers, &c. before the governor, with his own reasons, and reasons of the state treasurer respecting the same, and the decision of the governor shall be conclusive as to the officers, and he shall return the account, &c. to the auditor-general, with his decision in writing—and they shall act thereon as in cases of their agree- | |

- ment ; and accounts so settled shall be subject to appeal, and all other proceedings as in other settlements. Page 229
19. The auditor-general shall draw his warrant on the state treasurer, for balances, settled, which are in the nature of claims on the commonwealth, and for which there is an appropriation by law—and the accounts, vouchers, and papers appurtenant thereto, shall be filed in the auditor-general's office, copies of which, or of books, or other documents, under the hand, and seal of the auditor-general, shall be evidence in all courts, and elsewhere. 229
20. Where the laws recognize a claim on the commonwealth, and there is no appropriation to pay it, the auditor-general and state treasurer shall adjust and settle the same as other accounts ; and the auditor-general shall report the same to the legislature, if in session, and if not, during the first week of the next session. 229
21. The state treasurer shall pay all grants, salaries, gratuities, annuities and pensions established by law ; and other payments which are so fixed by law, that they cannot be affected by the settlement of any account, nor increased, nor diminished by the discretionary powers of the auditor-general and state treasurer ; but in relation to pensions under the decrees of courts, the treasurer may, if he deems it proper, refer the decrees and certificates back to the court for revision, stating his reasons therefor. 230
22. Within thirty days after settlement of an account, on which a balance is due to the state, the auditor-general shall send, by mail or otherwise, to the person indebted, a copy under his hand and seal of office, and if the same be not paid into the treasury within six months after the date of settlement, he shall make out, and put into the hands of the state treasurer, a second official copy thereof. 230
23. The treasurer, immediately on the receipt thereof, shall proceed to recover the balance due to the state, by due course of law ; for which purpose he may employ and pay attorneys and other persons, and do all things by himself, or attorneys, or other persons whom he may employ, which may be necessary and proper for the recovery of the public monies. 230
24. Any person, &c. dissatisfied with any settlement, may appeal therefrom to the court of common pleas of the county in which the seat of government shall then be ; and such appeal shall be transmitted to the clerk of such court, to be by him entered of record, subject to the like proceedings, under the direction of the state treasurer, as in common suits. 230
25. Such appeal shall be filed in the auditor-general's office, after notice of such settlement, and be accompanied with a specification of objections thereto ; and the party appealing shall enter sufficient security before one of the judges of the court, within ten days next after such appeal, to prosecute the same with effect ; and to pay all costs and charges which the court, or arbitrators shall award, and such sum as shall appear by the judgment of the court, or award of arbitrators, to be due to the state, 230
26. But no person shall be allowed an appeal, who, on summons, or demand, shall have refused, or neglected, to exhibit his account to the auditor-general ; but the settlement thereof shall be final. 230-1
27. The balance of every account, settled agreeably to this act, shall be a lien from the date of such settlement, on the real estate of the person indebted, and on his securities, throughout the commonwealth. 231
28. The treasurer, with the approbation of the auditor-general, is authorized, at any time after the final settlement of any account, if he deems it conducive to the public interest, to compromise with any public debtor, or his sureties, for the payment of the debt, by instalments—provided the amount be not lessened, nor its security impaired, and that both principal and interest shall be paid within seven years from such compromise. 231
29. In case any person refuses, or neglects to furnish his account, and the auditor-general and state treasurer shall deem it more condu-

- cive to the public interest, by reason of the smallness of the debt, or other circumstance, not to proceed to compel the exhibition of such account, but to make an estimate from the previous account settled, or other reasonable data, of the probable amount of the account of such delinquent, they are authorized so to do—but they shall add to every such estimated account, not exceeding fifty per cent. on its amount, to include any losses which otherwise might accrue to the state from such neglect, or refusal : and the treasurer shall proceed to recover the same, as in other cases. . . . 231
30. No allowance for commissions shall in any instance be made by the accountant officers, in cases of refusal or neglect to furnish accounts. . . . 231
31. The treasurer, if he deems it conducive to the public interest, may proceed immediately against the sureties of any public delinquent. . . . 231
32. The auditor-general and state treasurer, at the request of each other, or of the party, shall revise any settlements made by them, except such as have been appealed from, or which by any other proceedings have been taken out of their offices, if such request be made within twelve months of the date of such settlement ; but after that time, no settlement, on which a final discharge has been granted, shall be opened, but the same shall be quieted and finally closed. . . . 231
33. The accounts of county treasurers for monies received by them for tavern licences and exempt fines, shall be settled on or before the last day of December, annually, and the monies so received paid over to the state treasurer, deducting their commissions (here fixed) within three months. And the county treasurers shall enforce the payment by collectors, of militia exempt fines, in the same manner as the payment of county rates and levies. . . . 231-2
34. If the county treasurer neglect or refuse to settle and pay into the state treasury, the monies received for tavern licenses and exempt fines, as directed (*supra* No. 33,) the accountant officers shall not allow him any commissions on such sum so neglected or refused to be paid into the state treasury. . . . 232
35. How tavern licences are to be signed, and delivered out. (See “ Secretary of the commonwealth.”—“ Taverns.”) . . . 232
36. Of the duties, and penalties for neglect, of and on, brigade-inspectors, (see “ Brigade-inspectors”)—and of the duties of the auditor-general to certify the neglect of county commissioners, respecting exempt fines. (See “ Commissioners of counties.”) . . . 233
37. The recorder of deeds shall report the name and time of the appointment of the county treasurer to the auditor-general. And bonds given by county treasurers, and their sureties, shall be considered binding on said treasurers and their sureties, for all monies received by such treasurers, in their official capacity, for the use of the commonwealth. (See “ treasurers of counties.”) . . . 233
38. All fines, issues, amercements, forfeited recognizances, and other forfeitures, which shall be set or imposed, lost or forfeited, for the use of the commonwealth, in the several courts thereof, shall, by the respective clerks of the same, be certified and estreated into the office of the auditor-general, within ten days after the expiration of the term, at which such fines and forfeitures were imposed, together with the judgments and orders of the said courts, respectively, on all forfeited recognizances as shall be sued upon in such courts, which estreats, or returns of fines and forfeitures, shall be under the oath or affirmation of the respective clerks, (*supra* No. 2.) . . . 234
39. The secretary of the commonwealth shall report, quarterly, to the auditor-general, of all remissions of fines granted to the governor. 234
40. The accounts of sheriffs shall be settled yearly ; and to enable the accountant officers so to do, the clerks of the several courts shall report to the auditor-general, at the same time of the return of the fines, &c. the amount of fines paid to the sheriffs ; and all mo-

- nies arising from court fines, and forfeited recognizances, shall be paid to the sheriffs only, who shall be allowed a commission of two and an half *per cent.* on the amount paid by them into the treasury. 234
41. The auctioneers' accounts, for duties received by them, shall be settled quarterly, and the amount found due be immediately paid into the treasury; and on neglect or refusal so to do, or to deposit it in the bank of Pennsylvania, to the credit of the commonwealth, within one month after the expiration of such quarter, the commission of such auctioneer shall be void, and another be appointed in his place; and the state treasurer shall immediately proceed against such delinquent auctioneer, and sureties, for the recovery of the monies so found due, as in other cases—and the auditor-general shall report such failure to the governor, (*supra* No. 4.) . 234
42. The secretaries of the commonwealth, and land office, and the surveyor-general, shall account for the fees received in their several offices, quarterly, to the auditor-general, who shall administer an oath or affirmation to the said officers, respectively, or their deputies, in the receipt thereof, for the faithfulness of the accounts rendered; and the said officers shall pay monthly, into the state treasury, the public monies received by them. . 234-5
43. The settlement of accounts not expressly provided for, shall be made at such time as the accountant officers may deem proper, on the same principles, and under similar powers, and subject to the like proceedings, in every respect, as other accounts. . 235
44. Judgments entered in favour of the commonwealth, shall be reported by the respective prothonotaries, within twenty days after such entry, to the state treasurer; and the deputy of the attorney-general, or such attorney as the treasurer shall appoint, shall collect the monies due thereon; and if not paid by them into the treasury, in sixty days after they shall receive it, the treasurer shall inform the attorney-general thereof, who shall remove such deputy—and he shall proceed against such dismissed deputy, or other attorney, as in case of other delinquents. . 235
45. In order to procure the attendance of persons whom the auditor-general may deem necessary, in relation to any public account, he shall issue his writ, directed to, and commanding the sheriff or coroner, of the proper county, to cause the attendance of such persons, at the auditor-general's office; and if after thirty days from the time such persons ought to have appeared in the auditor-general's office, agreeably to the summons, such persons refuse or neglect to appear, he may issue his writ of attachment, commanding the sheriff, or coroner, to commit such persons to gaol, there to remain until they consent to comply, or be discharged by due course of law. . 235
46. In order to procure the exhibition, or delivery to him, of all public accounts, books, documents, or other papers, the auditor-general is authorized, in case of refusal, or neglect to deliver them, to issue his summons, directed to the sheriff or coroner of the proper county, commanding him to procure the exhibition, or delivery, as the case may be, of the same, at his office; and if the person so summoned, neglect, or refuse, to appear with, or transmit the accounts, &c. within sixty days after the day mentioned in the summons, he may issue his writ of attachment, commanding the said sheriff, or coroner, to commit such person to gaol, there to remain until he comply, or be discharged by due course of law. . 235-6
47. Penalty on sheriff, coroner and gaoler, refusing or neglecting to execute such process, or to receive and hold such person—and compensation of officers, &c. employed by the auditor-general in carrying the law into effect, &c. . 236
48. Balances due to the commonwealth, shall bear interest from three months after settlement, until paid. . 236
49. No receipt for money paid into the state treasury, shall be good or available in law, unless signed by the state treasurer, or by some known person in his employ, and for whom he is answerable. . 236

50. The books and papers in the offices of state treasurer and auditor-general, shall be, at all reasonable times, open for the free inspection of each other. 236
51. The auditor-general shall annually examine the situation of the public treasury, in relation to the monies deposited therein, and the deposits in the several banks, and, if he deems it necessary, the treasurer's accounts with the several banks, and their branches, in which public monies are deposited—and the officers of said banks, and their branches, shall permit the auditor-general so to do—and if the treasurer shall refuse to exhibit to the auditor-general, his books, papers or documents, or the monies reserved in his office to meet occasional demands, he shall for any such refusal, forfeit and pay two thousand dollars, to be recovered as sums of equal amount are by law recoverable. 236
52. When and how the state treasurer shall be elected—to take an oath—enter into recognizances—procure a seal. (See “Treasurer.”—“Seals.”) 237
53. The auditor-general to be appointed for 3 years, &c. In case of treasurer's death, in the recess of the legislature, the chief clerk, having taken the oath, and given the requisite security, shall do the duties until another be appointed. 237
54. Auditor-general to take certain oaths of office—to become bound with sureties; and the salaries of the auditor-general, and state treasurer, fixed. (See “Salaries.”) 238
55. The state treasurer shall furnish the auditor-general, on the first day of every month, an account of the monies received and paid by him during the preceding month, with the vouchers for the payments made; and the auditor-general shall transfer all the receipts and payments, to their proper accounts, in the books of his office. 238
56. The state treasurer shall, on the fourth Monday in December, annually, report to the legislature, in detail, the receipts and expenditures of the treasury, for the preceding year, ending the last day of November, designating the name of every person from whom monies were received, and to whom paid, and on what account. 238
57. The auditor-general shall, on the same day, annually, report in the abstract, a statement of the finances of the commonwealth—which reports shall be printed, and delivered to the clerk of the house of representatives, &c. the printing—how to be paid. 238
58. Appropriation for the contingent expenses, and clerk hire, in the offices of auditor-general, and state treasurer. 238
59. The state treasurer to recover the monies due on accounts settled by former and late accountant officers, and to continue to exercise the duties and powers vested in him by the 9th section of the act of 1st April, 1790, which are necessary in recovering balances due to the state on account of loans, under the acts of 26th February, 1773, and 4th April, 1785. 238-9
60. The duties not provided for, which previous to the act for making a new arrangement in the treasury department, (17th March, 1809,) were enjoined on the comptroller-general, shall be performed by the state treasurer; and those enjoined on the register-general, shall be performed by the auditor-general, under the same powers, and subject to like restrictions and proceedings, as when performed by the said comptroller and register. 239
61. The auditor-general shall, annually, report to the legislature, a list of the accounts which remain unsettled, and the reasons therefor. 239
62. The state treasurer shall annually report to the legislature, a list of the accounts on which balances remain due to the commonwealth, which are not in a course of recovery by law, and the reasons therefor. 239
63. The auditor-general, and state treasurer, in the settlement of accounts of persons having claims on the commonwealth, and who, at the same time may be indebted to the commonwealth, to secure the amount so due, or as much thereof as the claim on the com-

	monwealth may amount to—but persons aggrieved may appeal therefrom as in other cases.	Page 239
64.	The auditor-general shall report, annually, to the legislature, the names of all officers, who neglect or refuse to make returns to him, which, by law, they are enjoined to do.	239
65.	The auditor-general to inform, by letter, the several persons concerned, of their powers and duties in relation to, and accounting for, and paying public monies, and in making returns on which the public accounts are founded.	239
4. Of townships. (Vol. 3.)	1. At the election for choosing supervisors for each township, respectively, the electors shall elect by ballot, four freeholders to settle and adjust the accounts of the supervisors, whose time is about to expire, which supervisors shall, on the twenty-fifth of March, annually, or within ten days thereafter, produce fair and clear accounts of all monies expended by them on the highways, or received by virtue of any assessment, or otherwise, and of all fines and penalties due from themselves and others, which have come to their hands, which accounts shall be entered in a book, and be attested by him or them, on oath or affirmation, before a justice, if the freeholders shall require the same; the said freeholders shall have power to adjust and settle such accounts, to allow such sums and charges as they think reasonable; and if there appears to be any money in the supervisors' hands, they shall, by order in writing, direct the same to be paid to the succeeding supervisors; but if they shall be found in advance, for monies expended, &c. the freeholders shall order the succeeding supervisors to reimburse the same, &c.—And if any supervisor shall neglect or refuse to make up and produce fair and just accounts, as aforesaid, or having so done, shall refuse or neglect forthwith to pay the same, as ordered, or shall not give up the books in which the accounts are entered, to their successors, any justice, on complaint to him by the freeholders, chosen as aforesaid, shall commit such delinquent to the county gaol, until he shall comply, or be otherwise legally discharged.	513-14
ACKNOWLEDGMENT & PROBATE OF DEEDS. (Vol. 1.)	1. All bargains and sales, deeds and conveyances of lands, tenements and hereditaments, may be recorded, &c. but before the same shall be so recorded, the parties concerned shall procure the grantor or bargainer named in every such deed, or else two or more of the witnesses (who were present at the execution thereof) to come before one of the justices of the peace of the proper county, or city, where the lands lie, who is empowered to take such acknowledgment of the grantor, if one, or of one of the grantors, if more.	94
	2. In case the grantor be dead, or cannot appear, then the witnesses brought before such justice, shall be by him examined, on oath or affirmation, to prove the execution of the deed then produced; and the same justice shall, under his hand and seal, certify such acknowledgment, or proof, upon the back of the deed, with the day and year when the same was made, and by whom.	94
	3. All deeds and conveyances made and granted out of this province, and brought hither, and recorded in the county where the lands lie, (the execution whereof being first proved by the oath or solemn affirmation of one or more of the witnesses thereunto, before one, or more, of the justices of the peace of this province, or before any mayor, or chief magistrate or officer, of the cities, towns, or places, where such deeds or conveyances are, or shall be made or executed, and accordingly certified under the common or public seal of the cities, towns, or places where such deeds or conveyances are so proved, respectively,) shall be as valid, as if the same had been made, acknowledged, or proved, in the proper county where the lands lie, in this province.	94-5
	4. If any person shall forge any entry of the said acknowledgments, certificates, or indorsements, whereby the freehold or inheritance of any man may be charged, he shall be liable to the penalties against forgers of false deeds, &c.—And if any person shall perjure himself in any of the cases herein above mentioned, he shall incur the like penalties, as if the oath or affirmation had been in any court of record.	95

5. No deed or mortgage, or defeasible deed, in the nature of mortgages, shall be good or sufficient to convey or pass any freehold or inheritance, or to grant any estate therein for life or years, unless such deed be acknowledged or proved, and recorded, within six months after the date thereof, where such lands lie, as directed for other deeds. . . . 93
6. Where any husband and wife shall incline to dispose and convey the estate of the wife, or her right of, in or to, any lands, tenements, or hereditaments whatsoever, it shall be lawful for the said husband and wife to make, seal, deliver, and execute any grant, bargain and sale, lease, release, feoffment, deed, conveyance, or assurance in law whatsoever, for the lands, tenements and hereditaments, intended to be by them passed and conveyed, and, after such execution, to appear before one of the judges of the supreme court, or before any justice of the county court of common pleas of and for the county where such lands, tenements or hereditaments shall lie, and to acknowledge the said deed or conveyance; which judge, or justice, shall take such acknowledgment; in doing whereof, he shall examine the wife separate and apart from her husband, and shall read, or otherwise make known the full contents of such deed or conveyance to the said wife; and if, upon such separate examination, she shall declare, that she did voluntarily, and of her own free will and accord, seal, and as her act and deed, deliver the said deed or conveyance, without any coercion or compulsion of her said husband, every such deed or conveyance shall be, and the same is declared to be, good and valid in law, to all intents and purposes, as if the said wife had been sole, and not covert, at the time of such sealing and delivery. . . . 307-8
7. All deeds and conveyances which shall be made and executed within this province, of or concerning any lands, tenements or hereditaments, in this province, or whereby the same may be any way affected in law or equity, shall be acknowledged by one of the grantors, or bargainors, or proved by one or more of the subscribing witnesses to such deed, before one of the judges of the supreme court, or before one of the justices of the court of common pleas of the county where the lands conveyed lie, and shall be recorded in the office for recording of deeds in the county where such lands and hereditaments are lying and being, within six months after the execution thereof, otherwise the same shall be judged fraudulent, and void against any subsequent purchaser, or mortgagee for valuable consideration, unless such deed or conveyance be recorded before the proving and recording of the deed or conveyance under which such subsequent purchaser, or mortgagee shall claim. . . . 422-3
8. All such deeds and conveyances, which shall be made and executed out of this province, and acknowledged or proved in manner as directed by the laws heretofore for that purpose made, or proved by one or more of the subscribing witnesses, before any supreme judge of this province, shall be recorded, &c. within twelve months after the execution thereof, otherwise such deed shall be adjudged fraudulent, and void against any subsequent purchaser, &c. unless, &c. . . . 423
9. But not to extend to any lease not exceeding twenty-one years, where the actual possession and occupation goeth along with the lease. . . . 423
10. Where the grantors and witnesses of any deed or conveyance are deceased, or cannot be had, it shall be lawful for any justice of the supreme court, or any justice of the court of common pleas of the county where the lands lie, to take the examination of any witness, or witnesses, on oath or affirmation, to prove the hand-writing of such deceased witness or witnesses; or where such proof cannot be had, then to prove the hand-writing of the grantor, or grantors, which shall be certified by the justice before whom such proof shall be made, and such deed or conveyance, being so proved, shall be recorded as is usual in other cases. . . . 423
11. Acknowledgments and probates of deeds before members of the council of safety, or justices appointed by the convention, or members of the supreme executive council, declared valid, provided they should be recorded within nine months, if not previously recorded. 464-5

(Vol. 2.)	12. And, by act of 22d September, 1783, mortgages and defeasible deeds, which were made and executed between the first of January, 1776, and the 18th of June, 1778, but not proved or recorded, by reason of the interruptions of the war, and the expiring of commissions, were authorized to be acknowledged, or proved and recorded within six months thereafter; but not to affect any subsequent judgment, &c. <i>bona fide</i> .	Page 80
	13. All acknowledgments, and probates of deeds and conveyances, of and concerning any lands, tenements or hereditaments, lying within any part of this state, made and done before the president of the court of common pleas for the county of Philadelphia, or the president of the court of common pleas of any other county within this state, shall be as effectual and available in law, to all intents and purposes whatsoever, as if the same were done before one of the judges of the supreme court.	317
(Vol. 3.)	14. Notaries public shall have the power to receive the proof or acknowledgment of all instruments of writing relating to commerce or navigation, such as bills of sale, bottomries, mortgages and hypothecations of ships or vessels—charter parties of affreightment, letters of attorney, and such other writings as have been usually proved or acknowledged before notaries within this commonwealth; and also to make declarations, and testify the truth thereof under their seals of office, concerning all matters by them done, in virtue of their respective offices.	6
	15. All acknowledgments and probates of deeds and conveyances, of and concerning any lands, tenements and hereditaments, lying and being in any part of this state, made and done before any one of the assistant or associate judges of the courts of common pleas of any county within this state, shall be as effectual and available in law, to all intents and purposes whatsoever, as if the same were done before one of the judges of the supreme court, or before the president of any of the courts of common pleas within this commonwealth.	31
	16. The mayor and recorder of the city of Philadelphia, [the master of the rolls] and justices of the peace of this commonwealth, shall have power to receive the proof or acknowledgment of instruments of writing, in the same manner as justices of the peace might or could have done, under the act of 28th of May 1715, (<i>supra</i> , No. 1, 2, 3,) or as justices of the common pleas might or could have done by the act of 18th March, 1775, (<i>supra</i> , No. 7, 8, 9, 10,) and also, power to take the acknowledgment of all deeds of conveyance, whereby husband and wife convey the wife's estate, as fully, and in like manner as justices of the common pleas may or can do, by the act of 24th February, 1770, (<i>supra</i> , No. 6.)	59
	16. The mayor and recorder of the city of Philadelphia, respectively, shall be, and they are, severally, empowered and authorized to take acknowledgments of deeds for lands, or other real estate, in any part of this commonwealth.	392
(Vol. 4.)	17. Each of the aldermen of the city of Philadelphia shall have power to take and receive the acknowledgment or proof of all deeds, conveyances, mortgages, or other instruments of writing, touching or concerning any lands, tenements or hereditaments, situate, lying and being within [the city of] Philadelphia; and also the separate examination of any feme covert, touching or concerning her right of dower, or the conveyance of her estate, or right in or to any such lands, tenements or hereditaments, agreeably to the act of 24th February, 1770, (<i>supra</i> , No. 6.)	5
	. . . . The powers of the aldermen, in such cases, in similar terms, extended over the city and county of Philadelphia.	256-7
	[For the acknowledgment of sheriff's deeds, see under title "Sheriff."]	

ACTIONS.	1. No writ shall be sued out against, nor any copy of any process, at the suit of a subject, shall be served on any justice of the peace, for any thing done by him in the execution of his office, until notice, in writing, of such intended writ or process, shall have been delivered to him, or left at the usual place of abode, by the party, his attorney, &c. at least thirty days before the suing out and serving the same;	
(Vol. 1.)		
[See titles "Limitation of Actions," "Distress," No. 2, 3.]		

in which notice shall be contained the cause of action, &c. and endorsed with the attorney's name, &c. and the justice may tender amends, &c. (See title "Justice of the Peace.") . 364

2. No action shall be brought against any constable, or officer, or any person or persons acting by his or their order, and in his aid, for any thing done in obedience to any warrant, under the hand and seal of any justice of the peace, until demand hath been made, or left at the usual place of his abode, by the party, his attorney, &c. in writing, signed by the party demanding the same of the perusal and copy of such warrant, duly certified under his hand, and the same hath been neglected or refused for the space of six days after such demand; and in case, after such demand, and compliance therewith, by shewing said warrant, and giving a copy thereof, certified as aforesaid, to the party demanding the same, any action shall be brought against such constable, &c. without making the justice, who signed or sealed the warrant, defendant, on producing and proving such warrant, on the trial, the verdict shall be for defendant, notwithstanding any defect of jurisdiction in the justice; or if sued jointly with the justice, then on proof of such warrant, the jury shall find for the constable, notwithstanding such defect of jurisdiction. (See title "Constable.") . 365-6

. . . . Such actions must be brought within six months after the act committed. . 366

3. All actions pending at the revolution, revived, and continued in the courts under the commonwealth. . 431

(Vol. 2.) 4. All actions, &c, whatsoever, for, or by reason of any act, matter, or thing done or performed, by any assembly, convention, committee, or other public body within this state, or by persons acting, in this state, for the defence of the liberties of America, in obedience to any order, vote, resolution, recommendation, order or advice of Congress, or of any of the assemblies, conventions, committees, or other public bodies aforesaid, or of any commanding officer, civil or military, or otherwise, discharged and made void. (Obsolete.) . 66-7

5. All or any of the tradesmen, to whom any ship or vessel shall be indebted for work done, or materials or other articles furnished and provided, may join in one libel for the recovery of all their debts, in the same manner that mariners are permitted by the usage of the admiralty, to join together in one suit: and if more than one suit shall be brought against any ship or vessel, by more than one such tradesman, the judge shall cause such actions to be consolidated into one, and give one definitive sentence or decree, &c. (*infra*, No. 6.) 95-6

(Vol. 3.) 6. The jurisdiction of the admiralty court vested in the court of common pleas, in which court, libels for securing the lien of tradesmen employed in ship-building, may be filed. . 89

7. Any person suffering any loss, damage, or injury, by reason of any person wilfully setting on fire, or causing to be set on fire, any woods, lands or marshes, may have an action on the case in the court of common pleas of the county in which the offence was committed, against the persons occasioning such damage. . 139

8. If any person shall lose any money, or other thing of value, at, or upon, any game of address, or of hazard, or other play, and shall pay, or deliver the same, or any part thereof, he shall have a right, within ten days next thereafter, to sue for and recover the money or goods, so lost and paid, or delivered, or any part thereof, from the winner, with costs of suit, by action of debt, or case, for the value of the money or thing so lost, founded on this act, (22d April, 1794,) and plaintiff may declare that defendant is indebted to him, or for money had and received, to his use, or in conversion, whereby action accrued to him, according to the form of this act, without setting forth the special matter. . 182

(Vol. 4.) 9. By the act to regulate arbitrations and proceedings in courts of justice (21st March, 1806,) where a suit is to be brought for the recovery of any debt, founded on a verbal promise, book account, note, bond, penal or single bill, or all, or any of them, the plaintiff, by himself, his agent or attorney, may file in the office of the prothonotary, a

statement of his demand, on or before the third day of the term, to which the process is returnable; particularly specifying the date of the promise, book account, note, bond, penal or single bill, *or all, or any of them*, on which the demand is founded, and the whole amount which he believes is justly due to him from the defendant, &c. which statement the prothonotary shall file, &c. 328

. . . . Such suit shall not be set aside for informality, but may be amended, &c. 329

. . . . And the form of the process prescribed. 330-1

10. The writ of ejectment prescribed, and the ancient form of commencing an action of ejectment, abolished. 332

11. Which new writ of ejectment shall issue in all cases, where lands, &c. are claimed, and be as effectual as the old form; and all parties having an undivided interest in any lands, &c. whether as joint-tenants, copartners, or tenants in common, may join therein, and recover according to their interest and title; and minors may sue by their guardians, as in other cases. 476

(Vol. 5.) 12. Action may be brought for publications respecting proceedings in courts of justice, while the suit is pending, tending to influence, or bias the minds of jurors, &c. 55

13. Pennsylvania claimants of lands in Luzerne county, authorized, in certain cases, to institute suits against the commonwealth. 129, 216, 301

ACTS OF ASSEMBLY. } 1. All laws, or acts of assembly, in force on the 14th May, 1776, except particular acts, and such as are inconsistent with the new constitution; and the common and statute law, heretofore in force, with the same exception, and with the exception of the statutes relative to treason, and the misprision of treason, or the style of process, are revived, and declared to be in force under the commonwealth. 429-30
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(Vol. 3.) 2. The acts and resolutions of the general assembly to be printed and published as soon as conveniently may be, after the same shall be enacted and passed, and the secretary of the commonwealth shall collate, and correct, with the original rolls, the proof sheets of the printed copies, and shall affix thereto, marginal notes, stating the purpose of each paragraph, or section; and shall cause them to be distributed as directed in this act (4th April, 1792,) and when there shall be a sufficient number to form a volume, he shall cause an index to be made thereto, and have two hundred copies bound in volumes, and lettered, and distribute them in the manner therein prescribed; prefixing to each volume, an attestation, under his hand, that he has collated the laws contained therein, with the original rolls, and corrected the same thereby. 80-1-2

3. The aldermen and justices, to whom acts of assembly are delivered, shall give a receipt to the prothonotaries, or clerks, for the same, in which a clause shall be inserted, obliging them, respectively, to deliver over the said copies, to their successors in office. 97

4. A copy of the laws to be delivered to the inspectors of the prison of Philadelphia, and to each incorporated library company, &c. 286

(Vol. 4.) 5. In all cases, where a remedy is provided, or duty enjoined, or any thing directed to be done by any act, or acts of assembly, the directions of the said acts shall be strictly pursued; and no penalty shall be inflicted, or any thing done agreeably to the provisions of the common law, in such cases, further than shall be necessary for carrying such act, or acts, into effect. 332

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(Vol. 5.) 7. Acts of assembly, in what manner to be printed, and distributed. (Appendix.) 397

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2. By a settlement shall be understood, an actual personal resident settlement, with a manifest intention of making it a place of abode, and the means of supporting a family, and continued from time to time, unless interrupted by the enemy, or by going into the military service of this country, during the war. 395
- (Vol. 3.) 3. The lands within the jurisdiction of this commonwealth, north and west of the rivers Ohio and Allegheny, and Conewango Creek (excepting certain reserved tracts) offered to sale to actual settlers and improvers.— Their application shall contain a particular description of the lands applied for, and a warrant shall issue for any quantity, not exceeding 400 acres, which shall be surveyed, &c. 71
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- (Vol. 4.) 9. Actual settlers on lands, north and west of the Ohio, &c. under the act of 3d April, 1792, (*supra*, No. 3.) describing particularly the lands applied for in their applications, filed with the secretary of the land office, vouching such other requisites, as provided in the act of 22d September, 1794, (*supra*, No. 7.) shall, for two years after 3d April, 1804, be entitled to all the privileges and benefits that an original or vacating warrant would entitle them to; and in actions between warrantees and actual settlers, the latter may plead, and make proof of an improvement, and residence, in like manner as if a vacating warrant had been obtained, &c. 199-200
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- (Vol. 5.) 11. The secretary of the land office authorized to issue patents and warrants to all actual settlers, residing north and west of the Ohio, &c. who have complied with the acts of 1792 and 1794, who may apply within two years from 1st March, 1811, with such documents as are now required by law to obtain warrants and patents in that part of the state, also a certificate of the deputy-surveyor of the proper district, certifying that to the best of his knowledge and belief, the land contained in said survey, has not been claimed by any other person, by warrant, or otherwise, on payment of the usual fees of office, and executing a mortgage, to secure the purchase money, &c. but the rights of other persons not to be prejudiced, affected, or impaired. 198-9
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25. But no deed, to be so executed, shall discharge the lands and tenements to be thereby conveyed, from the lien of the consideration money therefor, until it shall be actually paid or secured, according to the terms of the contract. 67
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45.	Or, if all the executors have been, or shall be dismissed; or the letters testamentary have been, or shall be, in any case, vacated, and new letters awarded, the administrator with the will annexed, or the administrator <i>de bonis non</i> , or other person or persons, to whom letters of administration may legally issue, may sell, and execute the powers and authorities mentioned and contained in any last will and testament, as fully and amply as if all the executors named had joined therein. (But the testator may in his will otherwise direct.)	434
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2. Every person, being a citizen or subject of any foreign state, shall be able and capable in law, of acquiring and taking, by devise or descent, lands, and other real property, in this commonwealth, and of holding and disposing of the same, in as full and ample a manner, as the citizens of this state may or can do; and no such lands or estate, so held by devise or descent, shall escheat, or be forfeited to the commonwealth, for, or on account of the alienage of such person claiming the same under any last will, or succeeding thereto, according to the laws of this commonwealth. 4
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2. Any person bound by indenture, to serve as an apprentice, in any art, mystery, occupation or labour, with the assent of his or her parent, guardian, or next friend ;—or with the assent of the overseers of the poor, and approbation of any two justices, although within the age of twenty-one years, at the time of making the indenture, shall be bound to serve the time therein contained, so as such time, or term of years, if a female, do expire at or before the age of eighteen years, and if a male, at or before the age of twenty-one years, as fully, to all intents and purposes, as if he or she were of full age at the time of making the said indenture. 310
3. In case of misuse, abuse, evil treatment of,—or, of master or mistress not discharging his or her duty to the apprentice ;—or, if the apprentice shall abscond, or shall not do and discharge his or her duty to the master or mistress, the party aggrieved may apply to a justice of the peace of the city or county where the master or mistress shall reside ; who, after giving due notice to the master, mistress, or apprentice, if he or she neglect or refuse to appear, shall issue his warrant to bring him or her before him, and take such order and direction between them, as the justice of the case shall require. 310
4. If the justice shall not be able to accommodate differences, through a want of conformity in the master or mistress, he shall bind him or her to appear at the next sessions, and answer the complaint of the apprentice, and take such order with respect to the apprentice, as to him shall seem just. If through want of conformity in the apprentice, if the master or mistress, or apprentice request it, he shall take a recognizance of him or her, with one surety to appear at the said sessions, to answer the complaint of his or her master or mistress, or commit such apprentice, for want of such surety, to the common gaol, or work-house of such city and county. 310
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6. If any apprentice shall abscond from the service of his master or mistress, into any other county, any justice of such county, may issue his warrant to any constable within his county, to take and bring the apprentice before him, or some other justice of his county ; and upon appearance, and hearing the complaint and defence of the parties, default be found in the apprentice, the justice shall commit him to the gaol of the county, where his master or mistress shall reside, unless he or she consent to return home, or find sufficient surety to appear at the next sessions of the county, where the master or mistress resides, to answer his or her complaint, and not depart the same without leave. 311
7. If any person shall harbour, conceal, or entertain, any such apprentice, knowing him to be such, for twenty-four hours, without the master's, or mistress's consent, and do not give notice thereof to him or her, he shall pay to him or her twenty shillings for every day he shall so harbour, &c. to be recovered, &c. 311
8. The managers of the house of employment of the city of Philadelphia, and the overseers of the poor of boroughs and townships, by the approbation and consent of two magistrates, may put out as apprentices, all such poor children, whose parents are dead, or shall be, by the said magistrates and managers, found unable to maintain them, males to the age of twenty-one, and females to the age of eighteen years. 333
- (Vol. 3.) 9. If any apprentice shall absent him-self from his master's or mistress's service, before the expiration of his or her apprenticeship, without leave, he, or she, at any time after arriving at twenty-one years of age, shall be liable to, and the master or mistress, their heirs, executors or administrators, are enabled to sustain all such actions and other remedies against the apprentice, as if he or she had been of full age at the time of executing the indenture of apprenticeship. 386
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indenture extended to executors, &c. may assign the remainder of the term to such suitable person of the same trade or calling, as shall be approved by the quarter sessions of the county where the master or mistress lived; and the assignee shall have the same right to the service of such apprentice, as the master or mistress had, at the time of his or her death. Also, when any master, or mistress shall assign over the apprentice to any person of the same trade, &c. the assignment shall be legal, if the terms of the indenture extended to assigns, and the apprentice, or his parent, &c. shall consent thereto, before some justice of the county where the master or mistress shall live.

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- (Vol. 4.) 11. The managers of the alms-house of the city of Philadelphia, or a majority of them, may put out as apprentices, to some trade or calling, all poor children, that is, the children of such poor persons, who are dead, without leaving property or kindred to provide for their children, or who, if living, shall be found unable to maintain them, males to the age of twenty-one, and females to the age of eighteen years. . . . 56
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13. The directors of the poor of the counties of Chester and Lancaster, respectively, or a majority of them, shall have like power and authority to bind out apprentices, such poor children as may, from time to time, come under their care, as overseers of the poor, together with the consent of two or more justices of the peace, have by the act of 9th April, 1771. (*supra* No. 8.—and see the respective acts for the erection of houses of employment for the support of the poor in different counties, in which the same power is given to the directors thereof, respectively.) . . . 109-10

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- (Vol. 4.) 2. Persons desirous of settling any dispute or controversy, by themselves, their agents, or attornies, may enter into an agreement in writing, to refer such dispute or controversy to persons to be mutually chosen by them. And the referees shall make out an award, and deliver it to the party in whose favour it shall be made, together with the written agreement entered into by the parties; and the prothonotary, on *affidavit* of a subscribing witness to the agreement, that it was duly executed, shall file the same in his office, and then enter the award on record, which shall be as available in law, as an award, made under a rule of reference, issued by the court, or entered on the docket by the parties;—and proceedings thereon directed. . . . 526-7
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rule of court, for referring their cause to certain persons, to be by them mutually chosen. . . . 327

- 4 The referees so chosen, shall be sworn or affirmed (unless the parties dispense therewith) "to try and determine the cause referred to them, and a just award make out under their hands [and seals] of a majority of them, agreeably to the terms of the submission," which award shall be sealed up by the referees, and delivered to the person in whose favour it shall be made, who shall deliver the same, without breaking the seal, to the prothonotary of the proper county, who shall enter the same of record in his office; and if the award shall be entered by the prothonotary, in vacation, the party in whose favour it is made, shall serve a copy thereof on the adverse party, his agent or attorney at least ten days preceding the first day of the next term, (*infra*, No. 10.) . . . 327
 5. If no exceptions be filed to the award, during the term, it shall have the same effect, and be recovered in the same manner, as a judgment entered on the verdict of a jury. . . . 327
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 12. No rule of reference shall be entered, unless such entry be made at least thirty days previous to the first day of the third term, after such suit has been brought, and provision for suits depending before the operation of this act 132
 - 1 Where the commonwealth shall be a party, in civil suits, the attorney-general, or his deputy, shall appear for the commonwealth, and do all things necessary, as is required in similar cases. . . . 132

14. The mode of choosing arbitrators prescribed—and if but one of the parties appear, the prothonotary shall nominate for the absent party:—and where both parties attend, and cannot agree, the prothonotary to make a list, and each party to strike—and where one party only attends, and the prothonotary nominates and objects for the absent party, and a greater number, &c. is objected to, the duties of the prothonotary, in such case, shall be performed by the recorder of deeds, sheriff, treasurer, or coroner of the proper county. 132-3
15. The arbitrators shall be resident in the city or county where the suit shall be brought; and no arbitrator shall be obliged to serve on more than ten trials in any one year. 133
16. The prothonotary shall fix the day of meeting, and place, &c. but if the parties agree, they may fix the day when, and place where, the arbitrators shall meet. 133
17. The party entering the rule shall serve the rule, &c. on each arbitrator, under a certain penalty; and the proof of such service, shall be the oath or affirmation of the person serving the same. 133-4
18. Any arbitrator, or arbitrators, refusing, neglecting, or being prevented from, attending, a majority of the whole number, and the parties being present, or where one is absent, unless prevented by sickness, &c. notice thereof being given to the arbitrators, the sufficiency of which shall be left to the arbitrators, it shall be their duty (where the parties cannot agree,) to supply such vacancy, and the said arbitrators so chosen shall have full authority, &c. 134
19. The arbitrators shall be sworn or affirmed; and the manner prescribed; shall have power to administer oaths, &c. and call on either party for books, papers and documents;—to adjourn from time to time—and after examination, &c. shall make out an award, signed by all, or a majority of them, and transmit the same to the prothonotary within seven days after they have agreed on their report, who shall enter the same on his docket, which from the time of such entry, shall have the effect of a judgment against the party against whom it is made, and be a lien on his real estate, until such judgment be reversed on appeal. 134-5
20. If either of the parties shall be dissatisfied with the report of arbitrators, he, she, or they, may appeal under the following rules, regulations and restrictions: the party appellant, whether plaintiff or defendant, his, her or their agent or attorney, shall swear or affirm, that it is not for delay, such appeal is entered, but because such party firmly believes injustice has been done; and the appeal shall be entered, with the recognizance of bail, with the prothonotary, within twenty days after the entry of the award, and if such appeal and recognizance should not be entered within that time, the prothonotary, at the request of the party in whose favour the report is, shall issue execution, or such other process as may be necessary to carry the judgment into effect. Stay of execution regulated—and no appeal shall be allowed, until appellant shall have paid the costs accrued—evidence, &c. withheld, shall not afterwards be produced in court, on appeal. 135
21. If plaintiff be appellant, he shall, by himself, agent or attorney, with one or more sureties, be bound in a recognizance, with the prothonotary, on condition, that if he shall not recover, in the event of the suit, a sum greater, or a judgment more favourable than the report of the arbitrators, he shall pay all costs that shall accrue in consequence of the appeal, and one dollar per day, for each and every day lost by defendant, in attending to such appeal, which costs shall be taxed and recovered, as in other cases. 135
22. The costs to be paid by the appellant, as required, (*supra*, No. 20,) shall, nevertheless, be taxed in the appellant's bill, and recovered of the adverse party, in such cases only, where in the event of the suit, the appellant is intitled to recover costs, agreeably to the provisions of this act. 135-6
23. If defendant appeal, he shall, by himself, agent or attorney, produce one or more sufficient sureties, who shall enter into a re-

cognizance, with the prothonotary, in nature of special bail, on condition, that if plaintiff, in the event of the suit, shall obtain a judgment for a sum equal to, or greater, or a judgment as, or more favourable than the arbitrator's report, the defendant shall pay all costs that shall accrue in consequence of said appeal, together with the sum, or value of the thing or property awarded by the arbitrators, with one dollar for each and every day that shall be lost by the plaintiff, in attending to such appeal, or in default, surrender, &c. which sum, costs, and daily pay shall be recovered, &c.—But where executors or administrators appeal, they shall have an appeal as is by law allowed in other cases. . . . 136

4. The prothonotary of the proper county, an alderman, justice of the peace, or either of the arbitrators, shall have power to issue subpoenas for witnesses, and, if necessary, attachments to compel their attendance; and the form of the subpoena and attachment prescribed. . . . 136-7
23. If a majority of the arbitrators shall not attend on the day appointed to meet, the arbitrator, or arbitrators attending, (where the parties being present, cannot agree) shall appoint a number of suitable persons in the place of those absent, and if but one of the parties be present, the arbitrator, or arbitrators present, shall supply the vacancy, without consulting the party attending. . . . 137
26. If either of the parties, after the appointment of arbitrators, shall attempt to corrupt or influence them, or any of them, by privately endeavouring, either in conversation, written evidence, or correspondence, to bias their mind or judgment in favour of such party, he shall forfeit twenty-five dollars, &c.—And the prothonotary shall read this section to the parties, if present, on the day on which the arbitrators are appointed. . . . 137
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29. Arbitrators, respectively, to receive a dollar a day—but nothing, unless they make their report, and transmit the same to the prothonotary, within seven days after they shall have agreed upon the same.—And penalty on arbitrators for refusing, or neglecting to serve, &c. . . . 139
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(Vol. 3.)

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2. The brigade-inspector, at least once in every year, to inspect the arms, &c. of the militia composing his brigade. . . . 419
3. The commanding officer of each company, to appoint a person to receive, clean, and take care of the public arms; the arms not to be taken from their places of deposit, except on days appointed for the exercise, and discipline of the militia, or when they shall be called into actual service. . . . 449
4. The governor further to distribute the public arms to brigade-inspectors on their application, to be distributed to companies of militia offering their services, &c. on security that the same shall be kept in repair, and returned, &c. . . . 509

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2 By the act of 21st February, 1767, maliciously, and voluntarily burning the dwelling-house, or any other house, barn or stable adjoining thereto, or any barn or out-house, having corn or hay therein, although the same shall not be adjoining to such dwelling-house, belonging to any other person or persons, was punished with death. 272

3. By the act of 21st March, 1772, maliciously and voluntarily burning the state-house of this province, or any of the adjoining offices and buildings, or any church, meeting-house, or other building for public worship, or any academy, or school-house, or library, belonging to any body politic or corporate, was punished with death. 382

(Vol. 3.) 4. Every person convicted of the crime of arson, shall, by the act of 22d April, 1794, undergo a confinement, in the gaol and penitentiary house of Philadelphia, for a period not less than five, nor more than twelve years, and shall be kept therein at hard labour, as prescribed by the act to reform the penal laws of this state, (5th April, 1790, vol. 2, pa. 531.) 187

(Vol. 4.) 5. If any person or persons shall wilfully set fire to any barn, stable, or out-house, or to any barrack, rick, or stack of hay, grain or bark, with an intent to destroy the same, or shall be an accessary, or accessaries before the fact, such person or persons, being thereof legally convicted, shall, (by act of 28th March, 1806,) suffer an imprisonment at hard labour, in the gaol and penitentiary house of the city of Philadelphia, for a term not less than five years, nor more than twelve years, and pay a fine not exceeding two thousand dollars, at the discretion of the court. 534

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2. Special provisions in favour of the regiment of artillery, commanded by Lt. Col. Connelly, formed within the bounds of the first division of the militia of the city and county of Philadelphia—to continue as heretofore. The officers thereof to be elected as the officers of the infantry—its members to be subject to the same fines, &c. as the rest of the militia,—shall be called into actual service, by companies, in rotation, &c. 442

3. The governor shall cause to be delivered to the commandant of the regiment of artillery of the city and county of Philadelphia, and of other artillery corps, from time to time, such ammunition as he shall judge necessary for the public good, to be expended in practising with field artillery, &c. 308

(Vol. 5.) 4. Not to exceed twenty dollars a year for each company. 118
— And accounts for it, how to be settled. ib. and 249

5. Certain privileges granted to the regiment of artillery attached to the first brigade, first division, Pennsylvania militia; and the regiment enlarged—to consist of one colonel, one Lt. colonel, two majors, and twelve captains; each company to consist of one captain, one first lieutenant, one second lieutenant, two cadets, four serjeants, four corporals, eight artificers, and eighty privates, to be formed into three battalions;—the field officers to appoint a regimental staff, to consist of one adjutant, one quarter-master, one surgeon, one surgeon's mate, one serjeant-major, one quarter-master's serjeant, one drum-major, and one fife major, (*infra* No. 8.) 246-7

6 When five hundred men are enrolled,—to be divided into companies, and elections to be held for officers;—one company of horse, or flying artillery, to be organized to each battalion—number of officers and privates, size of horses, equipment, and uniform of the regiment and flying artillery, prescribed. 247

7. Penalty on officers parading without being in full uniform;—ten years service in the regiment to exempt from further militia duty, except in cases of insurrection, or invasion;—one thousand stands of public arms to be loaned to the regiment, on security, &c. Re-

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giment may be kept under arms from sun-rise to sun-set—not to be arrested while under arms, and arms, horses, &c. exempt from seizures, distresses and executions—By-standers, molesting any soldier on duty, may be confined for the day, &c. In what manner the regiment shall be exercised, and penalty for non-attendance—and a band of musicians to be formed, and their privileges, &c.	248-250
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ASSAULT AND BAT- TERY. . . (Vol. 4.)	1. Any justice of the peace, before whom a charge may be made for an assault and battery, or for an assault only, either before or after recognizance to appear at the sessions, is authorized, and enjoined, at the mutual request of the parties, to dismiss the same; making a record thereof, with the agreement, which shall be mutually signed by the parties, on his docket—provided he shall be fully satisfied that the settlement of such charge will not injure the safety of the citizens, or the peace of society. 519
ASSESSORS, AS- SESSMENT. (Vol. 3.)	1. Assessors, for assessment of taxes—when and how to be elected—and their duties, &c. (See at large, under title “Rates and Levies.”) 393—400
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	3. In assessing road taxes the supervisors shall take to their assistance, the township assessor for the time being, whose duty it shall be to furnish a correct copy of the last valuation of property in the township, and to give his assistance in making said assessment. 515
(Vol. 4.)	4. Assessors refusing, or neglecting to assess and return to the commissioners, any person they know to be liable, by law, to be assessed, on conviction, shall be fined and pay, &c. besides costs, any sum not less than twenty, nor more than twenty-six dollars. 101
	5. The assessors shall, previous to every triennial assessment, meet at the commissioner’s office, on a day by them to be appointed, and a majority of the assessors present, shall proceed, with the commissioners, to fix a uniform standard of valuation, &c. and shall proceed thereon, &c.—and afterwards meet at the said office, to make their returns, &c. and may then point out errors in the returns of each other, &c. (See title “Rates and Levies.”) 530
(Vol. 5.)	6. Assessors required to return the names of poor children, in their townships, whose parents are unable to pay for their education, in order that they may be taught <i>gratis</i> ; and other duties of the assessors therein. 73-4
ASSETS. . . (Vol. 1.)	1. On the plea of want of assets to pay debts and legacies, in any suit for a legacy, the court shall appoint auditors, to examine the accounts of executors, &c. who, after full hearing, with notice to the parties, shall report how the accounts stand; what assets will remain after payment of debts, and what part of the remainder is the proportion that ought to go towards paying legacies; for which proportion only, unless otherwise provided by the will, the court shall award execution upon the judgment to be had in such suit, &c. and upon exceptions taken to the report of auditors, the court may correct and amend mistakes, &c. 384
(Vol. 3.)	2. If there shall not be assets sufficient to discharge and pay bond debts, specialties, and other debts, according to a prescribed rule, then the same shall be averaged, and the creditors paid <i>pro rata</i> , as far as the assets will extend, first paying the bonds and specialties; for which purpose the executors, &c. may apply to the orphans’ court, who shall appoint three or more auditors, to settle and adjust the rates and proportions of the remaining assets due and payable to such respective creditors, whose report, if approved, shall be confirmed, and the executors, &c. pay such creditors accordingly—but any creditor, neglecting to exhibit his account to the executors, &c.

within twelve months after public notice, &c. shall not be entitled to demand or receive any dividend of such remaining assets. Page 148-9

- (Vol. 5.) 3. When an executor or administrator shall be sued before a justice of the peace, if, after judgment against him, he shall declare, that he has not sufficient assets to satisfy such judgment, it shall be the duty of the justice, forthwith, to transmit the record of his judgment to the prothonotary of the court of common pleas, to be entered on his docket, and the said court shall adjudge and decree thereon, and appoint auditors to ascertain and apportion the assets, according to law, as in other cases. 164
4. Where the personal estates of testates and intestates are deficient, and a balance appears due, after the final settlement of any administration account, the orphans' court, on the application of the executors, &c. or others interested therein, may order so much of the real estate to be sold, in the usual manner, as shall be sufficient to satisfy such balance. 258

ASSIGNEE, ASSIGNMENT.

- (Vol. 1.) 1. No servant shall be assigned over to another, in this state, but in the presence of one justice of the peace, of the county, under the penalty of ten pounds, to be levied by distress, &c. 10
2. All bonds, specialties and notes, in writing, signed by any person, whereby he is obliged, or shall promise to pay, to any other person, his or her order or assigns, any sum of money, mentioned therein, may, by the person to whom the same is payable, be assigned, indorsed and made over to such person as shall think fit to accept thereof. 90
3. The assignee, or indorsee, his factors, agents, executors or assigns, may, at his or their pleasure, again assign, indorse and make over the same, and so, *toties quoties*. 90
4. Such assignee, or indorsee, may, in his or her own name, bring an action at law, for the recovery of the money mentioned in such bonds, specialties and notes, or so much thereof as shall appear to be due, at the time of such assignment, in like manner as the person to whom the same was or were made payable might or could have done; and shall recover his or her damages and costs of suit, or if nonsuited, or verdict against him or her, shall pay costs to defendant—and plaintiff or defendant, according to the event, may sue out execution for such damages and costs, as is usual in other cases. 90-1
5. All assignments of bonds or specialties shall be under hand and seal, before two or more credible witnesses. 91
6. It shall not be in the power of the assignors, after such assignment, to release any of the debt or sums really due by the said bonds, specialties or notes. 91
7. Assignees of insolvent debtors, neglecting to execute their trusts, &c. commissioners to be appointed to audit and settle their accounts;—compulsory powers given to the commissioners; the party grieved may appeal to the common pleas. 414-15
- (Vol. 2.) 8. Assignments of German servants or redemptioners, to be made and acknowledged before the register of German passengers, in the city of Philadelphia, and be by him registered. 329
- (Vol. 3.) 9. In what cases, and in what manner apprentices may be assigned. (See title "Apprentices," No. 10.) 336
- (Vol. 5.) 10. Of assignees of insolvent debtors, under the act of 13th March, 1812:—shall take an oath to perform the duties enjoined upon them. (See title "Insolvent Debtor.") 320-6
- (For assignees under the domestic attachment law, see title "Attachment," No. 26, and vol. 4, page 480.)

ASSOCIATION

- (Vol. 4.) 1. An act relating to the association of persons for the purpose of banking. 536-7
- (Vol. 5.) 2. This section repealed. 153
3. It shall be unlawful for any association of persons, who now are, or hereafter may be, connected for the purpose of banking, and not incorporated by law, to make, utter, or issue any bills or notes in the

nature of bank notes, payable to bearer, or order, or otherwise ; to loan any sum or sums of money upon any actual or accommodation note, or notes ; to receive deposits, or perform any other act which an incorporated banking company may lawfully do.—Penalty therefor. But such association, having before this act, become engaged for the payment of money, &c. shall not be discharged, but shall be responsible therefor, &c. 108-9

ATTACH-
MENT—DO-
MESTIC AND
FOREIGN.
(Fol. 1.)

1. Writs of attachment may be granted by the respective county courts, and shall be served by the sheriffs, or coroners, as the case may require, upon the goods and chattels of persons absenting, to make restitution for debts contracted or owing in this state, in whose hands or possession the same shall be found, returnable to the next court, where the party may proceed to trial, and shall have judgment granted the third court after the effects are seized. 45
2. The person whose goods and effects are attached, shall be defendant in the attachment ; and the person in whose hands or possession they are attached, shall be called the garnishee ; and shall appear in court at the return of the attachment, and answer what shall be objected against him, and abide the judgment of court, and shall be allowed, out of the effects attached, reasonable satisfaction for his attendance. 46
3. The manner of executing the writ prescribed ;—and the goods, money or effects so attached, shall remain in the officer's power, and be by him secured, to answer and abide, &c. unless the garnishee shall give security therefor. 46
4. If the plaintiff obtain a verdict, judgment and execution, for the money and goods in the garnishee's possession ; yet the defendant in the attachment, may, at any time before the money be paid, put in bail to the plaintiff's action, and the garnishee shall be immediately discharged. 46
5. If the attachment shall be made for goods or effects, and the garnishee plead he had no goods or effects in his hands, at the time of the attachment, or at any time after, and the plaintiff shall prove the contrary, the jury, being satisfied of the proof, shall find for the plaintiff, and say what goods or effects they find in the garnishee's hands,—whereupon judgment shall be entered, that appraisement may be made of the goods or effects so found by the jury, and a precept shall issue to the sheriff to get the same appraised ; and if the garnishee will not produce them, execution shall be awarded for the value thereof, according to the appraisement, to be levied on the lands, goods, &c. of the garnishee. 46
6. No writ of attachment shall issue against any person's effects, but only such as at the time of granting it are not resident in the state, or are about to remove or make their escape out of the same, or shall refuse to give security for the debt, &c. before he depart. 46
7. After judgment upon an attachment against non-residents, the plaintiff, before sale, and after execution awarded, shall give security, that, if the defendant in the attachment, shall, within a year and a day, next following, by himself or attorney, come into court, and disprove, or avoid the debt, or shall discharge the same, with costs, the plaintiff shall restore to defendant, the goods or effects, or the value thereof, so attached and condemned, or so much thereof as shall be disproved or discharged. 46
8. No writ of [domestic] attachment shall issue, before the person requesting the same, or some credible person for him, shall declare upon oath or affirmation, that defendant is indebted to plaintiff in the sum of forty shillings, or more, and is, and has been absconded from the place of his usual abode, for the space of six days, with design to defraud his creditors, as is believed, and has not left a clear real estate in fee simple, within this state, sufficient to pay his debts, so far as deponent knows, or believes ; and the officer granting the writ, shall administer, and file such oath, &c. and the person granting the same otherwise, shall forfeit five pounds, &c. 158-9
9. If the defendant's money, or other effects, happen to be garnished in other hands, the garnishee shall appear and answer, at the return of the writ, &c. 159

10. The persons nominated as auditors, shall give public notice, thirty days before the sale or disposition of the goods or effects, in the newspaper, or on the court-house door. 159
11. If any person shall absent himself out of this government, or abscond from his usual place of abode, not taking care to satisfy his just debts, any justice of the peace of the county, where such person's estate may be found, may grant a writ of attachment for any debt, not exceeding [five pounds,] directed to any constable, to attach the goods and chattels, or other effects of such person, to answer the creditor; but before the writ is granted, the person requesting it, or some credible person for him, shall declare on oath, &c. that defendant is indebted to plaintiff in a sum not exceeding [five pounds,] and is, and has been absconded from the place of his usual abode for the space of six days, with design to defraud his creditors, as is believed, and has not left a clear fee simple estate, in lands or tenements within this state, sufficient to pay his debts, so far as deponent knows or believes; which oath the justice shall administer. The justice to forfeit [five pounds] for issuing it otherwise, &c. (*infra* No. 35.) 218
12. As soon as the writ is returned, the justice shall appoint two substantial freeholders, to take the goods, &c. attached, into their custody, for which they shall be accountable until disposed of, &c. and shall forthwith publish the proceedings, by advertisement, in the most public places near defendant's late dwelling, and in one, or more public newspapers, appointing the time and place for all the creditors to appear, and discover, and make proof of their demands; and if it shall appear, that there is a just debt due from defendant to any one person, exceeding [five pounds,] the justice shall no further proceed, but shall deliver and certify the attachment, and all the proceedings to the prothonotary of the common pleas; and that court may issue one writ of attachment only to the plaintiff before the justice, if he demands the same, or, if not, to any other creditor, directed to the sheriff, requiring him to attach all the goods, chattels, rights and credits, lands, tenements and hereditaments of defendant, in his bailiwick, and the sheriff shall also take into his custody all the goods and chattels of defendant, or the product of such part as may have been sold, and in the hands of the freeholders; and all proceedings shall then be, as if the said writ had been issued out of the said court, (*infra* No. 35.) . . . 219-20
13. When any attachment shall be granted by any justice, or shall issue out of any county court, no second attachment shall be issued by the same, or any other justice, or by the court, while the proceedings in the first attachment, remain undetermined. 220
14. If on return of the attachment, it shall appear to the justice, that any cattle, or other chattels, necessary to be maintained at expense, or any perishable goods have been attached, he may order them to be sold by the freeholders, within ten days, giving six days notice, and the money to be lodged in their hands, to be distributed, &c. 220
15. If no debt exceeding [five pounds] appear to be due from defendant, then the goods, &c. in the hands of the freeholders shall be appraised, but not sold, until three months after issuing the attachment, that the debtor may have time to redeem them, if he see cause; but if he do not appear and redeem them, when three months expire, on notice thereof to the justice, he shall order the freeholders to make sale thereof; and out of the proceeds of the estate, first deducting reasonable charges, pay the creditors, who shall appear and make proof of their debts, within the said three months, in proportion to their respective debts, and the overplus, if any, to the owner—ten days notice to be given of sale; and within six days after sale and distribution, the freeholders shall render a true account of their proceedings to the justice. . . . 220-1
16. Attachments issued against attainted traitors, declared void. . . . 471
- (*Footnote*) 17. The plaintiff, in any writ of attachment, issued out of any court, after judgment against defendant, may prepare and exhibit in writ-

ting, such interrogatories as he shall be desirous to compel the answer, and answers of any and every garnishee to, in whose hands the attachment may have been served, touching the goods, &c. of defendant, in his or their possession, custody and charge, or from him or them, respectively, due and owing, at the time of service of such attachment, or at any other time ; which interrogatories the plaintiff shall cause to be filed in the court out of which the attachment issued.

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18. Every such garnishee, to whom a copy of such interrogatories shall be delivered, shall appear before the court, on a day and time for that purpose to be named by the court, and then and there, exhibit, and file in writing, upon oath or affirmation, to be administered by the prothonotary, full, direct and true answers to such interrogatories ; and on neglect or refusal so to do, the court shall adjudge that such garnishee has in his possession, custody, and charge, goods, &c. of the defendant in the attachment, or is indebted to the defendant, sufficient to pay the plaintiff's debt and costs ; and the court shall award and issue an execution against such garnishee, in like manner as upon any regular judgment in said court.

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19. If the plaintiff in any attachment, or any person for him, shall declare upon oath or affirmation, that he believes any garnishee has in his hands or possession, or under his care, goods, &c. belonging to defendant, or is indebted to defendant, though the same be not due,—that he is not an inhabitant of the county, or that he believes there is just cause to fear he is about to depart, and remove from the same, the plaintiff may cause a clause of *capias* to be inserted in the body of the attachment, to be served on the garnishee, who shall give security to appear and answer, &c. and to render his body to prison, or pay the condemnation money, if judgment pass against him, (*infra* No. 34.)

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(Vol. 4.) 20. The respective courts of common pleas, on the oath or affirmation of any creditor, or other credible person for him, of the truth of his debt, and that his debtor has absconded or departed from the place of his usual abode in this state, or remained absent from the state, or has confined himself to his own house, or concealed himself elsewhere, with design, as is believed, to defraud his creditors, and has not left a clear real estate, in fee simple, within this state sufficient to pay his debts, so far as deponent knows or believes, may issue an attachment against all the lands, tenements, goods and chattels of such person. [The departure, &c. to be proved by a disinterested witness, (*infra* No. 40.)]

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21. The sheriff, or coroner, to whom such writ shall be directed, shall attach all the lands, goods, chattels and effects of defendant, in whose hands soever the same can be found, which shall forthwith be appraised, inventoried and secured by the officer executing the writ ; and if perishable goods be attached, the judge, in his discretion, may order them to be sold, and the proceeds to be paid to the trustees.

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22. On the return of the writ, the court shall appoint three trustees for all the creditors, with power to audit the accounts, and adjust the demands of all the creditors, and settle their proportions of defendant's estate, and report their proceedings to the court ; and they shall before they proceed, take an oath, &c. [to be administered by the court,] well and truly to execute the trust reposed in them, &c. and shall be allowed by the court a reasonable compensation for their trouble, out of the property attached, (*infra* No. 41.)

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23. The trustees shall take all the debtor's estate into their possession, whether attached, or afterwards discovered, and all books, vouchers and papers relating to the same, and shall be vested with all the estate of the debtor, at the time of issuing the attachment, and may sue for and recover the same, and all debts and things in action belonging to such debtor, at that time, or at any time after ; and the sheriff shall deliver the estate attached by him, to the trustees.

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24. But in case of a *bona fide* purchase made, or assignment taken, from or under such debtor, for a valuable consideration, by any person, without notice of the attachment, such purchase or assignment shall not be invalidated or impeached.—Or if any person indebted to the defendant, or having possession of any of his property, shall *bona fide*, without notice of the attachment, pay him the debt, or deliver him the property, he shall not be liable to pay, or deliver the same to the trustees. 479
25. If the debtor, prior to the attachment, shall have conveyed to his children, or other persons, any lands or goods, or transferred his debts or demands into other person's names, with intent to defraud his creditors, the trustees may recover and dispose of the same as effectually as if defendant had been actually seized, or possessed, thereof. 479
26. The trustees may sell at public sale, the debtor's lands, goods, &c. and may grant, assign, order and dispose of all debts, due or to be due to the defendant, or for his benefit, to the use of his creditors, and the assignee may sue for and recover the same in his own name, for his own use—and after such assignment, neither defendant, nor any other, shall recover, release, or discharge the same. 480
27. If the debtor has conveyed any property to others, on condition of redemption, by payment of money, or otherwise, the trustees, or any one, by them authorized by deed, may tender the money or other performance, as fully as defendant might have done, and after such tender, &c. may sell and dispose of such property for the use of the creditors. 480
28. The trustees shall give public notice of their appointment, and call on all persons indebted to defendant, to pay and deliver to them all the money and property belonging to him; and, also, on all his creditors, to deliver to them their respective accounts and demands; and in case of any controversy, the trustees may agree with the opposite party to refer the decision to arbitrators, and if he will not agree to a reference, an issue shall be formed, and be tried by a jury, as in other cases. 480
29. The trustees may summon, and examine all persons supposed to be indebted to defendant, and such others as they think fit upon interrogatories, or otherwise upon oath, &c. which they may administer, touching the lands, goods, &c. of defendant, or such other things as may tend to disclose their estates, secret grants, or alienation of their effects; and on refusal to attend, and to be sworn, &c. and answer, &c. may commit them to prison, until they submit to be examined. And, by warrants under their hands and seals, may cause to be broke open any houses, chambers, shops, warehouses, door, trunks or chests of defendants where their goods or effects shall be, or reputed to be, and seize the same for the use of the creditors. 480-1
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32. A majority of the trustees may exercise all the powers and duties herein given, and the court shall supply vacancies by new appointments. 481
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absconding, absence or concealment, on which the attachment was grounded, the court shall dissolve the same, (*infra*, No. 36.) . 481

34. The plaintiff, under this act, may cause to be inserted, in the body of the attachment, a clause of *capias* against the garnishee, under the same rules and regulations, as is prescribed in cases of foreign attachment, (*supra*, No. 19.) . 482

35. The jurisdiction of justices and aldermen, extended to all cases of attachment, where the debt or demand does not exceed one hundred dollars, subject otherwise to the rules and regulations of the act of 22d August, 1752, (*supra*, No. 11,) and the penalty on the justice mentioned in the first section of the said act, is extended to one hundred dollars. . 482

36. Justices and aldermen shall have the like power as the court, to dissolve writs of attachment, in cases within their jurisdiction, and on the same proofs, if application be made for that purpose, within twenty days after the return of the writ, (*supra*, No. 33.) . 482

37. No second attachment shall be issued against the same defendant, unless the first be not executed, or be dissolved by the court, and the overplus of the defendant's estate, if any, after debts and lawful charges are deducted, shall be returned to the debtor, his executors, &c. . 482

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(*Vol. 5.*) 5. The power of the several courts to issue attachments, and inflict summary punishment for contempts of court, restricted—to official misconduct of the officers of such courts, respectively—to the negligence or disobedience of officers, parties, jurors, or witnesses, against the lawful process of the court—to the misbehaviour of any person, in the presence of the court, obstructing the administration of justice (*infra*, No. 12.) . 55

6. All publications out of court, respecting the conduct of the judges, officers of the court, jurors, parties, or witnesses, in and concerning any cause pending, shall not be construed into a contempt of court, so as to render the author, printer, publisher, or either of them, liable to attachment, and summary punishment for the same; but as per

	son feeling himself aggrieved, may proceed by indictment, or bring his action to recover damages.	Page 55
	7. The punishment of imprisonment, in the first instance, shall extend only to such contempts as are committed in open court; and all other contempts shall be punished by fine only; but the party may be imprisoned till the fine be discharged or paid; but if the party be unable to pay the fine, he may be committed by the court for any time not exceeding three months.	55-6
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3. The auctioneers, (and no other, except judicial officers, executors, &c. and persons selling goods, &c. distrained for rent,) shall have power to set up, and expose to sale, by public outcry and vendue, any houses, lands, goods, wares and merchandizes, and property whatsoever, negroes and mulatto slaves excepted, paying to the state treasurer, for the use of the state, one *per centum* of the gross amount of the sales made by them respectively, rendering an account on oath to the [treasurer, &c.] once in every three months, of all the sales made by him or them, before the time of rendering such account, and since the last settlement; and immediately paying the full amount thereof to the treasurer; and the auctioneer failing or neglecting so to do, to be discharged from his place, and his bond immediately be put in suit; and penalty on any person, other than such auctioneers, making sales, by vendue, of such property, in the said city and districts; and any justice, upon his own view, or on the information and testimony of others, of any person so offending, within the city and liberties, shall cause him to be apprehended, and to find sureties for his appearance at the next sessions, and, such person, presuming again so to sell, &c. during the continuance of his recognizance, it is declared to be a breach thereof. . . . 509-10

4. Each auctioneer shall keep a register of horses, mares or geldings exposed to sale by them, in their respective offices, wherein, before sale, shall be inserted the colour, size, and principal marks, natural and artificial, of every such horse, mare or gelding, and the age, as the intended vender shall declare it, the name or names of the persons offering the same for sale, and after sale, the name of the person to whom sold, which register shall be so far a public record, as that every person shall be entitled to a view thereof, and a copy, if demanded, paying certain fees, and shall be read in evidence on any trial respecting the property of such horse, mare or gelding—and no sale of any horse, mare or gelding shall be deemed a public sale, in market overt, so as to change the property thereof. . . . 511

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BRIGADE-IN-
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(Vol. 3.)

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tion, or removal of any field officer, the brigade-inspector, within six weeks after, shall examine and ascertain, whether the arms committed to such field officer are in their respective places of deposit, and in good order, and if found so, he shall certify the same to such officer, or his executors, as the case may be ; upon which certification, or on the neglect of the brigade-inspector to make such examination, the responsibility attached to such field officer, or his estate, shall cease, and be void. 289-90

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- (Vol. 4.) 3. For the special duties of the brigade-inspector, under the militia law, see title "Militia"—to be allowed thirty dollars a year for each regiment, &c. 419-421

- (Vol. 5.) 4. The brigade-inspectors, within sixty days after they shall have received the list of exempts, shall transmit a copy thereof to the auditor-general, and if no lists are returned to him, he shall make report thereof to the auditor-general ; one hundred dollars penalty for neglect, to be recovered by the state treasurer, and the certificate of the auditor-general, under seal, shall be sufficient evidence of such neglect, and his salary shall be withheld, until the penalty shall be paid, or he be otherwise legally discharged therefrom. 232-3

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ty, held by Pennsylvania claimants, before the decree of Trenton, on which a survey had been executed and returned agreeably to law, and to divide the same, according to their value, into four classes, preserving a due proportion between each, and they shall adjudge what sum per acre, each Pennsylvania claimant shall receive, not exceeding certain rates; but the commissioners not to proceed till 40,000 acres be ceded to the state by Pennsylvania claimants, by deeds duly executed and filed in the land-office, nor until Connecticut settlers, claiming land to the same extent, shall have signified in writing, under their hands and seals, &c. and filed in the land-office, that they will submit to the determination of the commissioners.

. 362-3

4. But if the Connecticut settlers, claiming such quantity of land, shall not so submit—nor Pennsylvania releases be made to such extent—then the releases for the tracts which may have been made, shall be void, and the property re-vested. The lines examined by the commissioners shall be the same as those of the original grants—nor shall they examine any but such as shall have been released, &c.

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5. Compensation shall be made to the Pennsylvania claimants, having title, and released, as the commissioners shall award, in certificates transferable, and bearing interest, and receivable as specie in the land-office—not exceeding five dollars per acre, for lands of the first class—three dollars for second, one dollar and fifty cents for the third, and twenty-five cents for the fourth class; but the commissioners shall not include the whole, or any one original survey in any one class, unless in their opinion the quality of the whole tract will justify it; nor fix the price of each tract included in the same class, at any price per acre, unless in their opinion such tracts should be of equal value, but the rate per acre of the several tracts, arranged in the same class, shall be according to their relative value.

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6. Upon the account of the arrears of purchase money and interest being settled in the land-office, and certificate thereof, and of the amount of the award of the commissioners, the accounting officers shall give the Pennsylvania claimant a certificate for the balance, and may alter and renew the same, so as to accommodate payments in the land-office; and the public money which may come into the hands of the receiver-general, is appropriated to the payment of such certificates; and disputes between Pennsylvania claimants, before the issuing of the certificate, shall be settled by the board of property, as is usual in other cases; but the parties may prosecute their claims in the courts of law, as usual; and the certificates shall not issue until the dispute shall be decided.

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—Such certificates to be signed by the receiver-general—how to cancelled, &c.

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7. Six months limited for the Pennsylvania claimant to make application for compensation under this act, unless under legal disability, in which case one year is allowed, after such disability be removed. (Extended to 1st October, 1800, vol. 3, pa. 436—and see *infra* No. 15 and 28.)

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8. The commissioners shall also ascertain all the rights or lots in the said seventeen townships, which were occupied or required by Connecticut claimants, who were actual settlers there at or before the decree of Trenton, and which were particularly assigned to said settlers, prior to said decree, agreeably to the regulations then in force among them; and shall divide the same into four classes, as aforesaid, (*supra* No. 3,) according to their respective value, and make out certificates therefor, with drafts of survey annexed; and if the said original settlers, their heirs or assigns, shall apply to the land-office at any time before 1st January, 1801, and agree to pay to the state, by eight equal annual instalments, at the rate of two dollars per acre, for lands of the first class—one dollar twenty cents, for the second class, fifty cents for the third class, and eight and one third cents for the fourth class, with interest on each instalment, till the same is paid, patents shall issue for the lands so

- certified, from the proper office, paying the legal fees of such patents, and the surveying fees, (*infra* No. 15 and 28-29.) . 364
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10. If the lands ceded by Pennsylvania claimants, should not be applied for by Connecticut settlers, on or before the 1st January, 1801, the governor shall order them to be sold by public vendue, &c.—but not for a less price than that at which they were offered to the Connecticut settlers: and if such price cannot be procured, the attorney-general is directed to issue legal process to dispossess the claimants—except in cases of legal disability, &c, (*infra* No. 15 and 28.) . 365
11. Any person claiming these provisions, before the commissioners shall class and value his land, shall make oath or affirmation, to be administered by either of the commissioners “that he does not claim title under a joint right of the Pennsylvania claimants, and Connecticut settlers, but, exclusively, under the one or the other thereof, and that he has not directly, or indirectly done, or caused to be done, any act or thing, to destroy or conceal such joint title, with a view of coming within the provisions of this act; and if these matters should appear, such lands shall not be within the provisions of this act, (*infra* No. 17.) . 365
12. Each commissioner, before acting, to swear or affirm, before some judge or justice, “diligently, faithfully and impartially to discharge the duties assigned to him by this act,” and if either of them shall die, refuse, or become incapable to act, the governor shall appoint a person to supply his place, and all acts by a majority of them, shall be as valid as if they had all joined therein. . 365
13. The commissioners shall keep a regular account of their proceedings in a book, which shall be deposited in the office of the secretary of the land office, they may appoint a clerk, who shall be sworn or affirmed before them faithfully to register all their proceedings in pursuance of this act—They may appoint a surveyor, or surveyors, and employ chain carriers and markers, who shall be sworn, &c, faithfully to perform their respective duties, who shall receive from the state, a reasonable compensation to be fixed by the commissioners.—And all surveys made by the direction of the commissioners, shall be by them returned to the office of the surveyor-general. The commissioners to receive three dollars fifty cents a day, and the clerk three dollars, &c. . 366
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15. The Pennsylvania claimants releasing, and Connecticut claimants submitting their titles, to the secretary of the land office, before the 1st August, 1802, shall be entitled to the benefits of the original act, and the applications of the Connecticut claimants, actually transmitted and received at the land office, although after the time heretofore appointed, shall be acted upon by the commissioners, as if they had been received before the expiration of the time previously limited, (*supra*, No. 8, 10—*infra*, No. 28.) . 366-7
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17. Attornies or agents, duly authorized by Connecticut settlers, who have made application, and submitted, &c. where such claimants

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18. The commissioners shall have power to summon before them, and administer oaths, &c. generally, to any person or persons, touching the objects of their commission, and false swearing therein shall be punished as perjury—but this power shall be confined to the proper objects of their commission and the duties by law assigned to them. 527

19. The attorney-general shall give his legal advice and opinion, without delay, on any question submitted to him by the commissioners, respecting the execution of their commission. 528

20. The said commissioners, when engaged in the examination of titles of Connecticut claimants, may employ an additional clerk, permanently, and such occasional assistance as the business may absolutely require, but such clerk not to have more than two dollars a day. 528

21. The commissioners to be repaid reasonable costs and charges, and their travelling expenses, in conveying their books, &c. from one township to another. 528

22. The commissioners shall survey, value and certify, not merely such parts of the tracts of land claimed under the Susquehanna company, as may have been released by Pennsylvania claimants, but the whole of each tract claimed by a Connecticut claimant, who shall establish his title thereto, whether released or not—and if such Pennsylvania claimant shall refuse or neglect to release on or before the 1st August, 1802, he shall not be entitled to recover the same, in any court of this state by any action against the Connecticut claimant, in whose favour a certificate shall be granted by the commissioners for such land, or against any person claiming under the same, or any patent issued by virtue thereof—but he may institute a suit against the commonwealth, and the court and jury may award a just compensation for the land so taken from the Pennsylvania claimant, (*infra*, No. 51, 53.) 528

23. But, in the course of the trial, he shall make it appear to the court and jury, that he is fully, fairly and exclusively, entitled to such land under this state, except as against such certificate, &c. and if the determination be in favour of the Pennsylvania claimant, he shall be entitled to receive the full sum awarded in his favour, with costs of suit, on presenting to the governor a certificate of the verdict and judgment in such suit, and the costs, taxed in the usual manner, and certified by the judges before whom the trial was held, and by the clerk of the court; and the governor shall thereupon issue his warrant for the amount to the state treasurer. 529

24. Every Connecticut claimant, applying for a certificate, shall first deliver up to the commissioners, all the deeds and documents of title under the Susquehanna company, in his power, which shall be transmitted to the secretary of the land office, &c. 529

(Vol. 4.) 25. Connecticut settlers, entitled to receive patents for their lands, who may desire the same to remain as a security for the purchase money due to the state, without incurring the expense of mortgaging, (*supra*, No. 9,) and requesting this to be done, by writing under their hands and seals, transmitted to the secretary of the land office, the said secretary shall issue to such Connecticut settler a patent for his lands, certifying thereon the amount of the purchase money due, and the periods when the same shall be payable; which sums so certified shall remain a lien on the land, in nature of a mortgage, until the money shall have been paid. 265

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structive notice to all concerned—and if not so recorded within six months from the date of the patent, the patent shall be void, and of no validity or effect whatever:—allowed ninety days from 3d April, 1809, to record their patents by the expired act of that date—See obsolete laws, vol. 5, chap. 3083. See *infra*, No. 48.) . 263

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27. The books and documents called "Westmoreland records," shall be recorded by the recorder of Luzerne county, and his exemplifications thereof shall be as good evidence as the original. . 265
28. Pennsylvania claimants of lands within the fifteen townships of Luzerne county, whether from titles prior to the decree of Trenton, or by warrant and survey, prior to 28th March, 1787, under the act of 5th April, 1784, or 25th December, 1784, may release to the state, and transmit the same to the secretary of the land office, on or before the 1st August, 1807; and the Connecticut claimants may apply and transmit their applications to the said secretary, on or before 1st October, 1807, as prescribed by the original act, and shall be entitled to the benefits of the same, and its supplements. . 411
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- (Vol. 5.) 33. Three commissioners to be appointed, to examine and ascertain the quantity, quality and situation of all the lands (except, &c.) in Bedford township, and Ulster township, Luzerne county, as originally surveyed, under the rules and regulations of the Susquehanna company, in Lycoming county, claimed under a Pennsylvania title by a patent, or location, or warrant, on which a survey has been executed and returned, agreeably to law, prior to 28th March, 1787, and to resurvey and divide the same according to their value, into four classes, preserving a due proportion between each; and shall adjudge what sum *per acre*, each Pennsylvania claimant shall receive, not exceeding a certain rate. . 127-8
34. To Pennsylvania claimants, having title, and complying with the conditions of this act, such compensation shall be made, as the commissioners shall award, not exceeding five dollars for the first class, three dollars for the second, one dollar and fifty cents for the third, and twenty-five cents for the fourth class; in all cases having due regard to quality and situation. . 128

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38. The commissioners shall ascertain the rights of lots, (except, &c.) which were occupied and acquired by Connecticut claimants, actual settlers in said townships, or some one of the seventeen townships, prior to 28th March, 1787, and allot the same to them, their heirs or assigns, agreeably to the lines heretofore run and established among them, and in like manner divide the same into four classes; and make out certificates therefor, with a draft of survey annexed, and deliver the same to the settlers, their heirs or assigns, who shall pay for the same the same prices as those affixed by the commissioners as the compensation to Pennsylvania claimants, with interest from the date of the certificate, payable in eight equal annual instalments, the first of which shall be due in three years after the date of the certificate; and within the first two years, the settler, his heirs or assigns, shall apply at the land office, with such certificate, and obtain a patent, paying the surveying and office fees; but not more than four hundred acres shall be certified in right of any one settler, or be contained in any one patent, (*infra* No. 47—50—51.) 129-30
39. The secretary of the land office shall issue patents to the settlers for the lands so certified, and certify thereon the amount of purchase money due, and the periods when payable, which shall remain in nature of a mortgage until the money shall be paid; and such patents shall be recorded in the county where the land lies, within six months after the date thereof—or they shall be of no validity, and such record shall be evidence, &c. as in No. 26, *supra*, (*infra* No. 48.) 130
40. The commissioners shall not certify to any person, any lands in said townships, held or claimed under a Pennsylvania title, under patent, location, warrant or settlement, where the Pennsylvania claimant is in the actual possession of the land, by himself or tenant, at passing this act. 130
41. Every person claiming the provisions of this act, shall prove to the satisfaction of the commissioners, that he does not hold under a joint title of Pennsylvania and Connecticut, but exclusively under one or the other, and hath not done, directly, or indirectly, any thing to destroy or conceal such title, &c. 130
42. Commissioners to be sworn, &c. vacancies to be supplied; and a majority to act, as in No. 12, *supra*. 130-1
43. Commissioners to keep accounts, appoint clerks, chain-carriers, and surveyors, as in No. 13, *supra*—and to receive three dollars a day, and the clerk two dollars. 131
44. In case of dispute between the settlers claiming under a Connecticut right, it shall be decided by the commissioners. 131
45. The duties under this act to be completed before the 2d Tuesday in December, 1810, and their proceedings then to be laid before the legislature. 131
46. In controversies between Pennsylvania claimants respecting the appropriation, distribution, or payment over of the valuation monies

- fixed by the commissioners for lands released, on the demand of either party, the board of property shall direct an issue to the court of common pleas, at the seat of government, who shall frame the issue so as to try the merits between the contending parties, and their judgment and decree shall be final, and the board of property shall issue the certificate accordingly—the same may be arbitrated—notice to be given to the adverse party of such issue—which must be demanded within three months after the decision of the board. 151
47. Any Connecticut settler who may have received, or hereafter shall receive a patent for his land, may pay the whole purchase money and interest due, at the time of receiving the patent; or at any time before the days of payment of the respective instalments, may pay the whole, or any number of instalments due, or to become due, with interest due at the time of said payment. 190
48. If any Connecticut settler, by neglect, or otherwise, has omitted, or hereafter shall omit to have his patent recorded in the proper county, but shall within the time when the last instalment becomes due, pay the whole principal and interest due, then the said patent shall be valid, but not otherwise, (*supra* No. 38.) The patent made out to Shepherd and Dorrance, not to be affected by this act. 190
49. Any Connecticut settler, holding a certificate for lands, under the original act, or any of its supplements, who shall not make application to the land office before the 1st of November, 1812, for a patent, and pay the fees, &c. and secure the purchase money, under the act of 4th April, 1805, (*supra* No. 25,) the secretary of the land office shall ascertain the principal and interest due on said 1st November, 1812, and charge interest on the aggregate amount till the debt be discharged. 190
50. Any Connecticut settler, holding a certificate for lands granted to him in Bedford and Ulster townships, under the act of 19th March, 1810, (*supra* No. 38,) who shall not make application for a patent within two years after the date of the certificate, then the secretary of the land office shall add the interest which shall have become due at the end of two years to the principal, and on the aggregate amount, interest shall be charged by the said officer until the debt shall be paid. 191
51. Every Pennsylvania claimant, who had a right to bring a suit against the state, before the 4th Monday in October, 1809, when the circuit courts were abolished, shall have the same right to bring his suit in the court of common pleas of Luzerne county, (*supra* No. 22-23, *infra* No. 53.) 216
52. Connecticut settlers, having received, or hereafter to receive patents for lands in Bedford and Ulster townships, under the act of 19th March, 1810, (*supra* No. 38,) may, at the time of receiving such patent, or at any time after, pay the whole of the purchase money and interest due, or any number of the instalments due, or to become due, with the interest on the principal sum due at the time of said payment. 265
53. Every Pennsylvania claimant, by patent, warrant or location, on which a survey has been executed and returned, agreeable to law, prior to 28th March, 1787, for lands in the fifteen townships of Luzerne county, who have not released; and whose lands have been surveyed, valued and certified to Connecticut settlers, under the 9th section of the act of 6th April, 1802, (*supra* No. 22,) and of the act of 9th April, 1807, (*supra* No. 29,) may institute a suit against the state in the common pleas of Luzerne county—and the court and jury shall have power to award a just compensation, without taking into view any improvement made thereon, for the land so taken from the Pennsylvania claimant, under and subject to the same provisos, &c. and to be paid and satisfied as is prescribed by the said ninth section, (*supra* No. 23.) 301
54. All suits heretofore brought by Pennsylvania claimants against the state, for compensation, as aforesaid, shall be considered as having been brought under the authority of this act; and all appeals here-

tofore entered in such suits, from the reports of arbitrators, either on the part of the state, or of the Pennsylvania claimants, shall be tried and determined in the same manner; except such cases as were tried before arbitrators, or otherwise, before passing this act, in which the attorney-general, on behalf of the state, may not deem it proper to make any further defence—neither party to be hereby prevented from a trial by arbitrators, agreeably to the existing laws.

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55. To correct irregularities which may have occurred.—in all cases where an entry is found in the books or papers, deposited in the land-office by the commissioners, shewing the quantity of acres, amount of valuation, and description of each right, or lot; and also that the Connecticut settler, or his legal representative, under such circumstances, is the owner of any land so valued, classed, and entered in said books, or papers; in such cases the board of property is empowered to decide on such claim, correct the irregularities, or direct a re survey, if necessary—but not to extend to Shepherd and Dorrance's claim.

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56. In all cases where the Pennsylvania claimant has released land within the fifteen townships, and the land has been applied for by a Connecticut claimant, the secretary of the land office shall issue a patent to such Connecticut claimant, on his paying for such land the sum it was valued at by the commissioners appointed under the act of 4th April, 1799, and the supplements thereto, with interest on the same from 1st January, 1801, and the office fees;—and in case of disputes between Pennsylvania claimants, the same shall be decided by the board of property, as in other cases.

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CONNECTICUT DEEDS & TRANSFERS.

(Vol. 3.)

1. After 1st May, 1802, no conveyance to be made of any land within Luzerne, Lycoming and Wayne counties, shall be good or effectual to pass any estate, either at law, or in equity, unless the title in such conveyance mentioned, is derived from this state, or the late proprietaries, before the 4th July, 1776, nor unless the said conveyance shall expressly refer to, and recite the substance of the warrant, survey and patent, &c. and penalty on the judge, or justice, taking the acknowledgment of any such deed, and on the recorder for recording it—and such acknowledgment and recording shall be void; and the recorder shall forfeit his office. This act not to be construed to validate any previous conveyance of any pretended title or claim to land, under the colony or state of Connecticut, or either of the companies known by the names of the Connecticut Susquehanna, or the Connecticut Delaware company. 525
2. No person interested in the Connecticut title to act as judge or juror in any cause where the said title may come in question, and penalty on sheriff, knowingly summoning any such person as a juror. 525
3. None of these penalties or disabilities, except as to judges, sheriffs or jurors, shall relate to land, or the claimants of land, within the seventeen townships of Luzerne county, or any of them, so far as concerns any act of theirs, respecting lands within the said townships, which have been, or may be duly submitted according to law, under the act of 4th April, 1799, or any supplement thereto. 526
4. If any person, after 1st June, 1802, shall bargain, sell, or convey, or by any ways or means, obtain, get, or procure any pretended right or title, or make or take, any promise, contract, grant, or covenant, to have any right or title of any person or persons, in or to any lands, &c. within this state, under the said pretended title from the state of Connecticut, or either of the said companies, he shall forfeit two hundred dollars, to be recovered by action of debt, &c.—and such promise, contract, grant or covenant, is declared to be utterly void, and of no effect. 526

CONNELLSVILLE.

(Vol. 5.)

1. The act of 27th March, 1784, for regulating fences, &c. in certain counties, repealed so far as respects the borough of Connelville, in Fayette county. (See title "Boroughs.") 83

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CONSCIENCE.	1. No man shall be molested or prejudiced for his conscientious persuasion, or be compelled to frequent or maintain any religious worship, or ministry, contrary to his mind, but shall fully and freely enjoy his Christian liberty, in all respects, without molestation or interruption.	24
(Vol. 1.)	2. Judges, jurors, inquests and witnesses, may qualify themselves by oath or affirmation, according to their conscientious persuasion.	111, 388
CONSPIRACY, COMBINATION.	1. Combinations and conspiracies to possess and settle certain lands, in Luzerne county, under pretended rights, how punished. (See title "Intrusion.")	207
(Vol. 3.)		
CONSTABLES.	1. All constables are empowered, and by virtue of their office, required, to search public houses, and places suspected to entertain tipplers, on Sunday, and, when found, quietly to disperse them; but in case of refusal, to bring them before the next justice of the peace, who may commit, or bind them to good behaviour, &c.	25
(Vol. 1.)	2. Constables sales exempted from auction duties. (See "Auction.")	179
	3. It is made the duty of the constables of the respective townships, in each county, under a certain penalty, to present, on oath or affirmation, any offences against the act for killing deer out of season, &c. of which they have knowledge, to some justice of the peace, or at the quarter sessions, with the name or names of all such offenders, that they may be tried, &c.	228
	4. It is the duty of the constables of each township, bounded by, or adjoined to any part of the river Susquehanna, to inspect and view, carefully and diligently, once, at least, in every fourteen days, from the 1st of August, to the 1st of December, annually, such parts of the said river as adjoin their respective townships, and having knowledge of any offence against the act for preserving fish in said river, to give information thereof to some justice, and also, on oath or affirmation, present every such offence to the quarter sessions, with the names of the offenders, that they may be tried, &c. under a certain penalty for neglect—and the court is required duly and carefully, to administer such oath or affirmation.	254, 327
	. . . . . So with respect to the river Schuylkill.	238
	. . . . . And also, with respect to Shearman's creek.	407
	. . . . . And with respect to the river Conestogoe.	417
	. . . . . So, as to Codorus and Conewago, in York county.	317
	. . . . . So, with respect to the river Delaware and its branches—constable to view weekly, &c. to be allowed a dollar a day, &c.—twenty-five dollars penalty for neglect, &c. and his duties prescribed, with respect to dams, weirs, obstructions, &c. (Vol. 4, page 121-2.)	
	5. The constable of any township or place, is enjoined and required, on notice given to him by any of the inhabitants thereof, of beggars, vagabonds, and idle and disorderly persons, going about &c. to apprehend and convey, or cause to be apprehended and conveyed, such persons to a justice of the peace, who shall examine and try such persons, &c. and any constable refusing or neglecting to use his best endeavours to apprehend and convey such persons to the justice, on conviction before such justice, shall forfeit and pay to the overseers of the poor, ten shillings, to be levied by distress, &c.	269
	6. The duty of constables, in the city of Philadelphia, under the act for regulating the nightly watch, prescribed.	350-1
	7. No action shall be brought against any constable, or persons acting by his order, and in his aid, for any thing done in obedience to any warrant, under the hand and seal of any justice, until demand hath been made, or left at his usual place of abode, by the party intending to bring such action, his attorney or agent, in writing, signed by such party, of the perusal and copy of such warrant, duly certified under his hand, and the same hath been neglected or refused for the space of six days after such demand; and in case, after such demand, and compliance therewith, by shewing the said warrant, and giving a certified copy thereof to the party demanding the same, any action	

shall be brought against such constable, or others acting in his aid, for any such cause, without making the justice who signed and sealed the warrant, a defendant, on producing and proving such warrant, on the trial, the jury shall give a verdict for the defendant, notwithstanding any defect in the jurisdiction of the justice;—or if the justice be joined with such constable as defendant, then on proof of such warrant, the jury shall find for the constable, &c. notwithstanding a defect of jurisdiction in the justice—Such action limited to six months after the act committed. 365-6

8. The constable of each respective city, borough, township or place, having knowledge of any offence against the act to suppress the disorderly practice of firing guns, &c. at new year, is enjoined, under the penalty of twenty shillings, to present, on oath or affirmation, every such offence, to the next justice, or to the quarter sessions, together with the names of the offenders, that they may be tried, &c. 422

(Vol. 3.) 9. Fees of constables prescribed. 257

10. Act for the appointment and regulation of constables in the Northern Liberties of the city of Philadelphia—eight to be elected—The sessions to appoint four of them, and vacancies to be supplied by the court—Constables to enter into a recognizance, with sureties, and penalty for purchasing for their own use at their own sales of goods taken in execution. 305

. Security to be in the sum of one thousand dollars. (vol. 5.) 174

11. Constables to give notice of the time of election of inspectors of the general election—to attend and open the same—make out certificates of the election, &c. and other duties therein prescribed, and penalty for neglect. 341

12. The acting constable of every ward, township, &c. shall, within six days after the election for constables, give notice in writing to the person or persons chosen to said office—sixteen dollars penalty for neglect—and the person so elected and notified, refusing or neglecting to appear on the first day of the next sessions, to decline, or accept said office, he shall forfeit sixteen dollars, to be levied by order of the court, (*infra*, No. 24) 336

13. Act for the appointment and regulation of constables in the district of Southwark—six to be elected—the court to appoint three—vacancies to be supplied by the court—constables to enter into a recognizance, with sureties, and penalty for purchasing at their own sales of goods taken in execution. 357

. Security to be in the sum of one thousand dollars, (vol. 5.) 174

14. Each ward in the city of Philadelphia, entitled to choose one constable, (*infra*, No. 18.) 414

(Vol. 4.) 15. Transcripts of fines, &c. received by justices of the peace to be delivered by them to the constables, who, under the penalty of ten dollars, shall, within twenty days after deliver the same to the overseers of the poor of the township to which the forfeiture belongs—And also shall deliver to such overseers the written notice received from the clerks of courts, of fines imposed on constables elected, and refusing to serve, within ten days after receiving the same, &c. 97-9

16. Four constables to be elected for the borough of Pittsburg—the court to appoint two of them to be the constables for said borough. 193

17. Four persons to be elected in each of the boroughs of Reading and Lancaster—the court to appoint two of them to be constables for each borough. 211

(Vol. 5.) Repealed and supplied as it respects Lancaster—and the electors thereof shall elect eight citizens, annually, out of which the court shall appoint four constables, &c. 309

18. The electors of each ward, in the city of Philadelphia, annually, on the third Friday of March, shall elect two persons, one of whom shall be appointed by the court constable of the ward for the ensuing year, and constable to give notice of the election, under penalty, &c.—The electors to choose judges of the election, who shall be sworn, &c.—constables to give bonds, with two sureties, in two thousand dollars, &c. in case of vacancy, the mayor to appoint, &c. 79

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| 19. On a warrant, or <i>capias</i> for debt, the constable may take bail for the appearance of the defendant before the justice, and the form prescribed—which may be assigned to plaintiff, if he will accept the same, if defendant do not appear and enter special bail before the justice—and if the bail be insufficient, the constable shall be liable to the plaintiff, as sheriffs now are. | 162 |
| 20. On an execution delivered to constable, he shall levy, &c. and within the space of twenty days next following, expose the same to public sale, having given due notice thereof, and return the overplus, &c. | 167 |
| 21. On the delivery of an execution to any constable, an account shall be stated in the justice's docket; and also on the back of the execution, of the debt, interest and costs, from which the said constable shall not be discharged, but by producing to the justice, on or before the return day of the execution, the plaintiff's receipt, or such other return as may be sufficient in law;—and in case of a false return, or not producing plaintiff's receipt on the return day, or making other sufficient return, the justice shall issue a summons against him, to appear before him on such day as shall be mentioned in the summons, not exceeding eight days from the date, to shew cause why execution should not issue against him for the amount of the first execution; and on his neglecting to appear, or not shewing sufficient cause, &c. the justice shall enter judgment against him for the amount of the first execution, with costs; on which judgment there shall be no stay of execution—and, on plaintiff's application shall issue execution against the constable for such amount, directed to any constable, or other fit person, or to the supervisor of the roads, &c. | 167-8 |
| 22. In all cases, where a constable levies, on a justice's execution, he shall endorse thereon the goods and chattels so levied, or annex a schedule thereto, which shall be a lien on such goods for twenty days and no longer—and the constable may take a bail bond for the delivery of the goods; and the form prescribed.—But if the defendant shall not deliver the goods, or pay the debt, the constable may proceed to sell them, if the lien be not expired, or, if expired, the justice may issue an <i>alias</i> execution, which may be proceeded on as aforesaid—or the constable may assign the bail bond to plaintiff, who may recover the same before any justice, without stay of execution; but any constable taking such bail, shall be liable for deficiency, notwithstanding such assignment. | 170 |
| 23. If a constable, having given security, &c. and neglecting or refusing to perform his duties, he shall have judgment entered against him, for such neglect or refusal; and if, on being prosecuted for the recovery of such judgment, he becomes insolvent, abandons his country, or if from any other reason it becomes impracticable for such judgment to be recovered from the constable; or where the constable makes such default, and abandons his country before such judgment had against him, then, and in such cases only, the justice before whom the judgment or judgments stand unpaid, shall issue a <i>scire facias</i> , and proceed against the constable's bail, for the recovery of the judgments had as aforesaid, in the manner that constables are suable, saving only the right of appeal to such sureties. | 170 |
| 24. The electors of each town, township, ward or district, shall, annually, on the same day, and at the same place, where they meet to choose supervisors of the highways, elect two reputable citizens, and return their names to the next quarter sessions, which court shall appoint one to be constable of the ward, township, &c. for one year from the time of the appointment, if they shall be satisfied he possesses a freehold estate, in his own right, clear of incumbrances, of the value of one thousand dollars; or if he does not possess a freehold estate, as aforesaid, he may be appointed, if he shall become bound in an obligation to that amount, with at least one sufficient surety, to be approved by the said court, and taken in the name of the commonwealth, by the clerk of the said court, for the just and faithful discharge of his office; which shall be held in trust for the benefit of all persons who may sustain injury from him in his official capacity, by reason of neglect of duty, and for like purposes and uses, as sheriffs bonds are usually given—but if he do not possess such freehold, nor | |

enter the security as above required—or possessing such freehold, and refusing to serve ; or if the electors of any township, &c. neglect or refuse to return two citizens, &c. then, in either case, the court shall appoint a proper person, possessing such freehold, or who will give such security ; and any such freeholder, refusing to execute the office, or to procure a deputy, for whose conduct he shall be responsible, shall be fined by the court, in the sum of forty dollars. . . . 173-4

25. The court shall, in all cases, give a preference to the person highest on the return, provided he can give the requisite security ; and no person shall be permitted to serve as constable, more than three years, in any term of six years ;—and no person shall be compelled to serve as constable in the same township, &c. more than once in every fifteen years, except in the township of *Tinicum*, in the county of Delaware ;—and in procuring a deputy to discharge the duties of said office, or paying the penalty, shall be considered equal to personal services. . . . 174
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- (Vol. 2.) 3. No captain of a vessel, or others, shall, knowingly and willingly, import, bring, or send, or cause or procure to be imported, brought, or sent, or be aiding or assisting therein, into this commonwealth, by land or water, any felon convict, or person under sentence of death, or any other legal disability, incurred by a criminal prosecution, or who shall be delivered or sent to him from any prison, or place of confinement, in any place out of the United States. . 435-6
4. Every such captain, &c. so offending—or any other who shall as factor of such captain, &c. or as consignee, sell or offer for sale, any such convict, &c. knowingly, shall suffer three months imprisonment, without bail or mainprize, and forfeit and pay fifty pounds, besides costs, for every such person so sold, &c.—to be recovered by action of debt, &c. and shall be held to bail, as in cases of contract. . 486
5. And, moreover, on conviction, he shall be adjudged and ordered, to enter into a recognizance, with sufficient sureties, to transport such convict, in a reasonable time, out of the United States ; or in default, shall be committed to gaol, until security be given, &c. . 486
6. Convicts in the penitentiary, shall, at the public expense of the proper county, during the term of their confinement, be clothed, &c. the males shall have their beards shaven close, at least once a week, &c. If the work to be performed is of such a nature as to require previous instruction, proper persons shall be provided for that purpose, &c. and during labour, the offenders shall be kept separate and apart from each other, if the nature of their several employments will admit thereof ; but if it requires two or more to work together, the keeper, or one of his deputies, shall, if possible, be constantly present. . 535
7. The convicts, unless prevented by ill health, shall be employed in work, every day in the year, except Sundays ; and the hours of work in each day shall be as many, as the season of the year, with an interval of half an hour for breakfast, and an hour for dinner will admit, but not exceeding eight hours in November, December and January, nine hours in February and October, and ten hours in the rest of the year—and when working hours are passed, the tools, if practicable to be removed, shall be removed to places of safe custody, &c. . 535

8. Separate accounts shall be kept with the convicts, in which they shall be charged with the expenses of cloathing and subsistence, and proportion of raw materials, &c. and shall be credited from time to time, with the sums received by reason of their labour, and if the same exceed the expenses, one half shall be laid out in decent raiment for them at their discharge, or otherwise be applied to their use and benefit, as the inspectors shall direct ; and if at the end of the confinement, any convict shall labour under any acute or dangerous distemper, he shall not be discharged, unless at his own request, until he can be safely discharged. . 536
9. The floors of the cells shall be washed every week, or oftener, if the inspectors direct it, by one or more of the convicts, in rotation, who, at the discretion of the keeper, shall have an *extra* allowance of diet for so doing. The convicts shall be allowed to walk and air themselves for such stated time as their health may require, and the keeper shall permit ; and if proper employment can be found, such convicts may also be permitted, with the approbation of two of the inspectors, to work in the yard, provided such working and airing in the yard, be in presence, or within view, of the keeper, or his deputies or assistants. . 537
10. Convicts guilty of assaults in the gaol, when no dangerous wound or bruise is given,—or of profane cursing or swearing, or indecent behaviour, idleness, or negligence in work, or wilful mismanagement of it, or of disobedience to the rules and regulations, may be punished by confinement in the dark cells or dungeons of the gaol, and keeping them on bread and water only, for any term, not exceeding two days, [or whipped, &c. *infra* No. 16.] . 537
11. Convicts sentenced to hard labour, in the county gaols, other than Philadelphia, shall be employed in such hard and servile labour, and fed and cloathed as directed, &c. and the sheriff, with the approbation of the court of quarter sessions, shall appoint keepers, &c.—to superintend and direct their labours, manage and attend to their clothing, diet and lodging—and take care that they be safely kept ; and the better to effect this purpose, they shall have authority to confine in close durance, apart from all society, all those who shall refuse to labour, be idle, or guilty of any trespass, and during such confinement to withhold from them all sustenance, except bread and water ; and also to put iron yokes around their necks, chains upon their legs, or otherwise restrain in irons such as shall be incorrigible, or irreclaimable without such severity. 539-40
12. When felons convict may be removed from county gaols, to Philadelphia, &c. . 511
- (*Fq. 3.*) 13. Convicts in any county, other than Philadelphia, of any crime, (murder in the first degree excepted,) which was previously capital, and of counterfeiting and uttering counterfeit bank notes, shall be removed to the gaol and penitentiary house of Philadelphia, there to be kept, &c. within forty days after sentence pronounced, &c. and they shall be placed and kept in the solitary cells thereof, on low and coarse diet, for such part of the time as the court in their sentence shall direct, not more than half, nor less than a twelfth part thereof ; and the inspectors may direct the infliction of the said solitary confinement, at such intervals, and in such manner, as they shall judge best. . 189
14. The court before whom any conviction is had, shall within forty days after the offender is removed from the county, make, and cause to be transmitted to the inspectors, a report of the circumstances attending the commission of the crime, tending either to aggravate, or extenuate, and the character the convict appeared on the trial to sustain, or whether he had been before convicted of any felony, or infamous crime ; which report the inspectors shall cause to be entered in books, or registers, to be provided for the purpose. . 189-90
15. The inspectors may class the different prisoners, and separate them, in such manner as they shall judge will best promote the object of their confinement ; they shall direct the cloathing, and em-

	ploy each in such kind of labour, as their various circumstances may require, and so much of a former act, (<i>supra</i> No. 6,) as directs the description of cloathing for the convicts, that their heads shall be shaved, and that they should be kept at labour of the hardest, and most servile kind, is repealed.	247
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COSTELLO, JAMES.	{	1. The real estate of James Costello, authorized to be sold, and the proceeds to be applied to the uses and directions of his will.	526
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COSTS.	{	1. In all cases where a tender shall be made, and full payment offered by discount, or otherwise, in such specie as the party by contract or agreement ought to do, and the party to whom such tender shall be made doth refuse the same, and yet afterward will sue for the debt or goods so tendered, he shall not recover any costs in such suit.	50
(Vol. 1.)			
		2. The defendant, in cases of judgment upon nonsuit, shall be awarded his costs under the act of 21st February, 1767, for not proceeding to trial, &c. as he would in other cases of nonsuit.	271
(Vol. 3.)		3. The costs accruing on all bills returned <i>ignoramus</i> by the grand jury of the city, or any county, shall be paid out of the county stock, by the city or county, in which the prosecution commenced, and not by the party charged before such grand jury, with any felony, breach of the peace, or other indictable offence.	43
		4. Persons confined for costs of prosecution, may be discharged by the insolvent laws.	43
		5. Where any person shall be brought before a court, justice of the peace, or other magistrate of any city or county, having jurisdiction	

in the case, on the charge of being a runaway servant or slave, or of having committed a crime, and such charge, upon examination, shall appear to be unfounded, no costs shall be paid by such innocent person, but the same shall be chargeable to, and paid out of the county stock, by such city or county. . . . 43

6. In all cases where any person shall be convicted of any offence, which shall be punishable capitally, or by imprisonment at hard labour, the county where the crime shall be committed, shall pay the costs of prosecution, if the defendant hath not property sufficient to discharge the same; but where the same person shall be convicted of divers offences at the same term or sessions, the costs of prosecution, on one of the indictments only, shall be paid out of the county stock. . . . 44

7. All costs accruing on all bills of indictment found by the grand jury of the city, or any county, charging a party with any felony, breach of the peace, or other indictable offence, shall, if such party be acquitted by a petit jury, on the traverse of the same, be paid out of the county stock, by the city, or county, in which the prosecution was commenced. . . . 281

8. In suits for damages before a justice of the peace, and the cause referred, if the damages found by the referees shall not amount to more than one dollar, the plaintiff shall not recover more costs than damages. . . . 351-5

(Vol. 4.) 9. In all prosecutions, cases of felony only excepted, if the bill of indictment be returned "*ignoramus*," the grand jury who returns the same, shall decide and certify on such bill, whether the county or the prosecutor shall pay the costs of prosecution; and in all cases of acquittals, by the petit jury, on indictment for the offences aforesaid, the jury trying the same shall determine by their verdict, whether the county, or the prosecutor, or the defendant or defendants, shall pay the costs of prosecution; and the jury so determining, in case they direct the prosecutor to pay the costs, shall name him, or them, in their return or verdict, (made perpetual, vol. 5, page 48.) . . . 204

10. Whenever any jury shall determine, as aforesaid, that the prosecutor shall pay the costs, the court shall forthwith pass sentence to that effect, and order him committed to the goal of the county until the costs are paid, unless he give security to pay the same in ten days. 204-5

11. When a number of persons shall be charged and tried upon one indictment, such costs shall be taxed, as if the name of one person only was contained in the said indictment. . . . 205

12. In all cases where two or more persons have committed an indictable offence, the names of all concerned, (if a prosecution shall be commenced) shall be contained in one bill of indictment, for which not more costs shall be allowed than if the name of one person only was contained therein, (made perpetual, vol. 5, page 48.) . . . 205

13. Whenever any verdict, in a civil action, shall be taken, the plaintiff or defendant, for whom the same shall be given, shall forthwith pay the sheriff four dollars, which shall be taxed with the costs, and afterwards repaid by the party against whom such verdict shall be given, if the same be a verdict wherein costs are recoverable. . . . 242

14. Where either party files exceptions to an award, made under the act to regulate arbitrations, &c. and the same be set aside, if the plaintiff filing such exceptions, shall prosecute his action in court, or before other referees, and shall not recover a sum equal, or greater than was first awarded, he shall not have judgment for costs, and shall pay defendant seventy-five cents a day, while attending on the same. If the defendant shall have filed the exceptions, and the plaintiff shall recover a sum equal, or greater than the original award, he shall have judgment for all the costs accrued on such suit, with seventy-five cents a day whilst attending the same; and the same rule upon new trials. 327

. . . . So, if plaintiff, on trial, does not recover more than defendant was willing to confess judgment for, he shall not recover costs subsequent to such offer to confess judgment, except the costs of execution, if necessary. . . . 329

(Vol. 5.) 15. On an appeal from the report of arbitrators, under the arbitration act of 1810, the appeal shall not be allowed to either party, until the appellant pay all the costs that may have accrued on the suit: but such costs shall, nevertheless, be taxed in the appellant's bill, and recover-

- ed of the adverse party, in such cases only, where in the event of the suit the appellant is entitled to recover costs. Page 135-6
16. If the plaintiff be the appellant, he shall give surety, &c.—that if he shall not recover in the event of the suit, a sum greater, or a judgment more favourable than the report of the arbitrators, he shall pay all costs that shall accrue in consequence of the appeal, and one dollar a day for every day lost by defendant, in attending on such appeal, which costs and daily pay shall be taxed, and recovered as costs in other cases are recoverable. 135
17. If the defendant be the appellant, he shall find sureties to enter into a recognizance in nature of special bail, that if plaintiff in the event of the suit, shall obtain a judgment for a sum equal to, or greater, or a judgment as, or more favourable than the report of the arbitrators, the defendant shall pay all the costs that shall accrue in consequence of said appeal, with the sum, &c. awarded, and one dollar for each day that shall be lost by plaintiff in attending such appeal, &c. 136
18. If plaintiff appeals from the judgment of a justice of the peace, he shall give security in a sum sufficient to cover all the costs which have, or may accrue, with four dollars as a council fee; and fifty cents a day for every day the appellee shall attend on such appeal, which he shall pay if the judgment of the justice shall be affirmed by the court, or if he shall recover less than the amount of the judgment of the justice. 163-4
19. If defendant be the appellant, he shall give surety as aforesaid, sufficient to cover the sum in controversy, all the costs, council fee, and daily pay, aforesaid, which he shall pay, if the judgment of the justice be affirmed, or the plaintiff recover more than the amount of the judgment of the justice. 164
20. But on the reversal, or abatement of the amount of a judgment, on an appeal, the defendant, if he be the appellant, shall be allowed his daily pay, council fee, and costs, only in case he produces no evidence before the court, other than that which he exhibited before the justice, or referees; or in case of his having offered security, if not a freeholder, for his appearance on an after day, or being a freeholder, was refused time to prepare, or produce his proof, or, in case of a judgment by default against him, the plaintiff refused his consent to a re-hearing—which costs shall be taxed by the court, &c. and the costs accrued before the justice, shall await the event of the suit. 164
21. Where proceedings of a justice are set aside, on a certiorari taken by the plaintiff, and on a second trial before the same, or any other justice, if judgment shall not be obtained for a sum equal to, or greater, than the original judgment which was set aside by the court, he shall pay all costs accrued on the second trial before the justice, as well as those which accrued at the court before whom the proceedings have been set aside, including any fees defendant may have given any attorney, not exceeding four dollars, in such trial, together with fifty cents a day to the defendant while attending court in defence of the proceedings of the justice. 172
22. If defendant removes by certiorari, and the proceedings be set aside, and it shall appear that he attended, or had legal notice to attend, the trial before the justice, and on a final trial, the plaintiff shall obtain judgment for a sum equal to, or greater than the original judgment which was set aside by the court, defendant shall pay all costs accrued on the second trial before the justice, as well as those which accrued at the court before whom the proceedings had been set aside, including attorney's fees, not exceeding four dollars, to defend the proceedings of the justice, together with fifty cents a day while attending the court on the same; which costs shall be recovered before any justice in the same manner as sums of a similar amount are recoverable. 172
23. If any person shall sue for any debt or demand, cognizable before a justice, in any other manner than is directed by the act giving them jurisdiction, and shall obtain a verdict and judgment therein, which, without costs of suit, shall not amount to more than one hundred dollars, not having caused an oath, or affirmation to be

made before obtaining the writ, and having filed the same in the prothonotary's office, that he believes the debt, &c. to exceed one hundred dollars, he shall not recover costs in such suit. . . . 172-3

(As to costs on quashing writs issued against freeholders, see title "Arrest," No. 3, and "Abatement," No. 1—and in cases of Divorce, see title "Divorce," No. 11.)

COUNCILS--SELECT AND COMMON--OF PHILADELPHIA.

(Vol. 2.)

1. Common councilmen, elect, or [thirty] persons having the highest number of votes for that office—to meet at a certain time, to receive the returns of the election, and they shall be judges of their own election, &c. . . . 465

2 Each common councilman to be duly qualified before the mayor (or recorder—vol. 4, pa. 209,)—"well and faithfully to execute the office of a common councilman of the said city"—and thereupon, without further commission, shall hold and exercise the same until the next election. . . . 465-6

3. —removable for misbehaviour, or neglect in office;—and in what manner. . . . 466

(Vol. 3.)

4. Twenty members to be elected for the common council, at each general election, &c. . . . 272-3

5. Twelve members elected for the select council, and divided, after the first election, into three classes, &c.—so that one third of that number shall be chosen annually. . . . 273

6. The whole legislative power of the corporation exclusively vested in the select and common councils, who shall perform all legislative acts, as separate and distinct bodies. . . . 273

7. The select and common councils, in joint meeting, annually, on the third Tuesday of October, shall, *viva voce*, elect out of the aldermen of the city, one of the said aldermen, to be the mayor of the city. 273

8. The doors of the halls of the select and common councils shall be open for the admission of all peaceable and orderly citizens, desirous to be present at their debates. . . . 273

9. The select and common councils shall have all the powers, &c. incident to a corporation, and to the well governing thereof, which were formerly vested in the mayor, aldermen and common council, by the incorporating act of the city, of 11th March, 1789, which are not otherwise, by law, directed and provided. . . . 391

10. In case of a vacancy in the office of mayor, the councils shall assemble as soon as conveniently may be thereafter, and elect a mayor, as in ordinary cases, to continue in office until the third Tuesday in October, next following, and no longer. And in case of a vacancy of a member of the select council, it shall be supplied at the next general election, and the person chosen shall serve the residue of the time, and in the class of the person whose vacancy he may be chosen to fill. . . . 392

(Vol. 4.)

11. The select and common councils authorized to erect new market-houses in any part of the city, they may judge most conducive to the interest of the citizens, and to make such regulations for the well governing thereof, as shall appear useful and necessary, and not inconsistent with the existing laws. . . . 165

. . . . authorized to make, ordain, and pass such ordinances as they may judge proper, for the better regulation of the markets in the city, holden on Sunday. . . . 231

. . . . (to extend the market in High street, vol. 5, pa. 118.)

12. No alderman of the city, nor any person holding an office of trust or profit under the laws of this commonwealth, or the ordinances of the select and common councils, the emolument whereof is paid out of the city treasury, shall be competent to serve as a member of the select and common councils. . . . 209

13. The select and common councils authorized to make all ordinances they shall judge proper for paving the streets, lanes, alleys, and courts within the city—and the corporation is invested with the

same powers, jurisdictions, &c. over the ends of the streets and alleys extending to, or into the river Schuylkill, as are granted by the charter, or any law, to the former or present corporation, respecting the streets extending to, or into the river Delaware—the west end of High street, belonging to the bridge company, only excepted.

233-4

- (Vol. 5.) 14. The select and common councils authorized to take down the wall on the south side of the state house yard, at the expense of the city, &c. and, during the pleasure of the legislature to take charge and care of the state house yard; and to pass ordinances for the preservation of order and decorum within the same; and to prohibit therein the use or practice of any unlawful game, sport, or diversion, or any improper conduct whatever, and prescribe the time at which the gates thereof shall daily be opened and closed. 315-14

COUNTERFEITING. (See title "Forgery.")

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4. Lands devised to be sold, &c.—Powers of executors, &c. therein declared. (See title "Administration," No. 41 to 45, this subject at large.)	433
(Vol. 5.) 5. No devise or legacy in favour of a child, or other lineal descendant of a testator, shall be deemed or held to lapse, or become void, by reason of the decease of such legatee or devisee, in the life-time of the testator, if such devisee or legatee shall leave issue, surviving the testator, but such devise, or legacy, shall be good and available in favour of such surviving issue, with like effect, as if such devisee or legatee had survived the testator; but this shall not be construed to affect any devise or legacy by any testator who shall have deceased before the passing of this act, (19th of March, 1810) nor to defeat the intention of any testator to exclude such surviving issue or any of them.	112
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DISCONTINUANCE. } 1. No suit shall be discontinued, or put without day, by reason of the non-attendance of the justices or judges of the court, but shall stand good and effectual in law, notwithstanding such non-attendance.	529
(Vol. 3.) }	
DISORDERLY PERSONS. } 1. Disorderly persons, in the city and liberties, unmarried, and under forty years of age, may be bound out, to reimburse to the guardians of the poor expenses incurred on their account, but not exceeding three years, &c.	56
(Vol. 4.) }	

- DISTRESS.**
(Vol. 1.) {
 (See titles "Rent," "Replevin," "Tresp.
 pass.")
1. Where goods, &c. are distrained for rent, and the tenant or owner shall not, within five days after such distress, and notice thereof, with the cause of such taking, left at the mansion house, or other most notorious place on the premises charged with the rent distrained for, replevy the same, and give sufficient surety to the sheriff, then, after the expiration of the said five days, the person distraining shall and may, with the sheriff or any constable, &c. (who are enjoined to aid and assist therein) cause the goods, &c. so distrained, to be appraised by two reputable freeholders, who shall be compensated, &c. and take a prescribed oath, &c. to be administered by the sheriff or constable; and after such appraisement, giving six days public notice, the sheriff or constable may lawfully sell the goods, &c. so distrained, for the best price that can be gotten, to satisfy the rent, and charges of such distress, appraisement and sale, leaving the overplus, if any, in the hands of the sheriff or constable, for the owner's use. 370
 2. Upon any pound breach, or rescue of goods, &c. distrained for rent, the party grieved, may, by special action on the case, recover his treble damages, and costs of suit against the offender; or, against the owner of the goods distrained, in case the same be afterwards found to have come to his use or possession. 370
 3. In case of distress and sale for rent pretended to be due, when in truth no rent shall appear to be due to the person in whose right the distress is made, then the owner of the goods distrained and sold, his executors, &c. by action of trespass, or upon the case, against the person distraining, his executors, &c. may recover double the value of the goods, &c. so distrained and sold, with full costs. 370-1
 4. If any tenant shall fraudulently and clandestinely, convey or carry off from the demised premises, his goods, &c. with intent to prevent the landlord from distraining for the rent, it shall be lawful for the landlord, or any one lawfully empowered by him, within the space of thirty days next after such conveying, &c. to take and seize such goods, &c. wherever the same may be found, as a distress for the rent, and proceed as if they had been distrained on the premises:—but he shall not seize goods, &c. *bona fide*, and for a valuable consideration sold before such seizure, to any person, not privy to the fraud 371
 5. Any cattle or stock of the tenant, feeding or depasturing upon the premises; all sorts of corn and grass, hops, roots, fruits, pulse, or other product whatsoever, growing on any part of the demised premises, may be distrained and sold for rent in arrear, as other goods and chattels may; and the purchaser of such corn, grass, &c. shall have free egress and regress to and from the place where they are growing, to repair the fences from time to time; and when ripe, to cut, gather, make, cure, and lay up and thresh, and after to carry the same away, in the same manner the tenant might legally have done, had such distress never been made 371 2
 6. Any person having rent in arrear, upon any lease, ended or determined, may distrain for such arrear, after the determination of the lease, in the same manner as if it had not been determined;—provided such distress be made during the continuance of the landlord's title or interest. 375
 - (Vol. 3.)* 7. Purchasers at sheriff's or coroner's sales, of lands, in possession, of tenants, holding under the defendant in the execution, after receiving the sheriff's deed, &c. shall be considered as the landlords to such tenants, and shall have the like remedies, by distress, &c. to recover the rents, subsequent to such sale, as the defendant might, if no such sale had taken place; and the tenant, after notice of the sale, paying such rent to the defendant in the execution, shall be liable to repay the same to such purchaser or purchasers 532-3
 8. The tenant, within three months after demand made, shall give security to such purchasers, for the mesne profits, or rents, that may accrue from the time of such demand, until the decision of any suit, pending for the recovery of possession, under such sheriff's or coroner's deed: and on neglect or refusal, such purchaser may proceed by distress for the recovery of such mesne profits or rent, in the same manner as landlords may proceed for the recovery of any rents due; but no contract between landlord and tenant shall be impaired. 533
 - (Vol. 5.)* 9. Justices of the peace may compel a landlord to set off the just account of the tenant out of the rent: but the landlord may waive further pro-

ceedings before the justice, and pursue the method of distress in the usual manner, for the balance so settled; but if the landlord, after such waiver, shall be convicted of distraining, and selling for more than the amount of such balance, in any court of record, and of detaining the surplus in his hands, he shall forfeit to the tenant four times the amount of the sum detained—but no appeal shall lie in the case of rent, but the remedy by replevin shall remain as heretofore. . . . 170-1

10. Horses of the flying artillery of militia, enrolled, &c. arms, ammunition and equipments of the regiment, &c. exempted from distresses. . . . 248

DISTRIBU- } 1. (Distribution of intestate's personal estates (See title "Intestates Es-
TION. . . } tates," and vol. 3, page 143, 298, vol. 4, page 403.)

DISTRINGAS. } 1. The court, out of which any distringas vice comitem, or nuper vice comitem, or other writ of distringas proceeds, may by a rule for that purpose made, order and direct, that the issues levied from time to time, shall be sold, and the money arising thereby be applied in the first instance, to pay such costs to the plaintiff, as the said court shall think just, under all the circumstances, to order, and have the remainder thereof in court, to be retained, until the defendant shall have appeared, or other purpose of the writ be answered, or to be rendered to the plaintiff for his debt, damages and costs, where the same shall be ascertained—But where the purpose of the writ shall be answered, the said issues shall be returned, or if sold, what shall remain of the money arising by such sale, shall be repaid to the party distrained upon. . . . 49

DIVORCE. } 1. The governor might grant a divorce from bed and board, on conviction
(See title "Ali- } for adultery, if applied for within one year thereafter, by act of 1705. . . . 27
mony." (Vol. 1.) }

. . . . So, in the case of bigamy. . . . 29

(Vol. 2.) 2. If, where a marriage hath been contracted and celebrated, it shall be adjudged, that either party, at the time of the contract, was and still is impotent, or incapable of procreation;—or that he or she hath, knowingly, entered in o a second marriage, in violation of the previous vow made to the former wife or husband, whose marriage is still subsisting;—or that either party hath committed adultery,—or, wilful and malicious desertion and absence, without a reasonable cause, for, and during the term and space of four years; the innocent and injured person may obtain a divorce, not only from bed and board, but also from the bond of matrimony itself. . . . 343-4

3. In any such case, the husband, in his own person, or the wife by her next friend, may exhibit a libel, or petition to the supreme court, in term time, or to one or more of the justices thereof, in the vacation, at least thirty days before the next term, setting forth particularly, the causes of the complaint, with an *affidavit* annexed, "that the facts therein contained are true, to the best of his or her knowledge and belief, and that the said complaint is not made out of levity, or by collusion between the said husband and wife, and for the mere purpose of being freed and separated from each other, but in sincerity and truth, for the causes mentioned in said petition or libel."—And thereupon a subpoena, or subpoenas shall issue, and the notice, and proceedings therein, are prescribed and regulated:—and in the mean time the court shall and may, make such preparatory rules and orders in the cause, that the same may be brought to issue, or a hearing, at the second term, when the court may determine the same, *ex parte*, if necessary. . . . 344

4 But if defendant shall appear and answer agreeably to the rules of court, and either of the parties shall desire any matter of fact, that is affirmed by the one, and denied by the other, to be tried by a jury, the same shall be so tried, &c. and in case the ground of the libel be adultery, committed within the state, an authenticated transcript of the record of conviction shall be filed with the libel, and shall be admitted as good evidence thereof, at the hearing; but if charged to have been committed within this state, and that the party fled before conviction, or that it was done beyond seas, or without the jurisdiction of the state, then the same may be put in issue, and tried, if either party shall so desire, and if not, may be

enquired into, in the presence of the parties, by the court, or, if either of them will not attend, then *ex parte*, by the examination of witnesses, on interrogatories, exhibits, or other legal proof, had either before, or at the hearing. 344-5

4. If husband or wife, upon any false rumour, in appearance well founded, of the death of the other (who has been absent two whole years) has, or shall marry again, it shall be at the election of the party remaining unmarried, at his or her return, to insist to have his or her former wife, or husband restored, or his or her own marriage dissolved, and the other party to remain with the second husband or wife; and in any such suit, instituted for the purpose within one year after such return, the court may, and shall, sentence and decree accordingly. 345

5. On a libel for cause of adultery, if defendant shall allege and prove, that plaintiff has been guilty of the like crime, or has admitted the defendant into conjugal society, or embraces, after he or she knew of the criminal fact, or that the plaintiff (if the husband) allowed of the wife's prostitutions, and received hire for them, or exposed his wife to lewd company, whereby she became ensnared to such crime, it shall be a good defence, and a perpetual bar against the same. 345

6. The court, after hearing the cause, shall determine the same, as to law and justice shall appertain, either by dismissing the libel, or decreeing a divorce from the bonds of matrimony, or that the marriage is null and void; and after such sentence, nullifying, or dissolving the marriage, all and every the duties, rights and claims, accruing to either of the said parties, at any time theretofore, in pursuance of the marriage, shall cease and determine, and the parties, severally, be at liberty to marry again. 345

7. But the person guilty of the adultery, shall not marry the person with whom the crime was committed, during the life of the former husband or wife. 345

8. The children born of the body of the wife, during the coverture, shall not be affected, or rendered illegitimate. 345

9. If any woman, so divorced for adultery, shall afterwards openly cohabit at bed and board with the person proved to be the partaker in her crime, she shall not, and she is declared incapable to alienate, directly or indirectly, any of her real estate, but all deeds, wills, appointment, and conveyances thereof, shall be absolutely void and of no effect, and after her death, the same shall descend, and be subject to distribution, as if she had died seized thereof, intestate. 346

10. None but citizens of this state, resident at least one year previous to filing the petition, shall be entitled to a divorce from the bonds of matrimony, under this act. 316

11. The court may award costs to the party in whose behalf the sentence or decree shall pass, or that each party shall pay his or her own costs, as shall appear to them to be reasonable and just. 346

101. 4. 12. Jurisdiction is given to the respective courts of common pleas, in all things touching divorces and alimony, as fully as the same is vested in the supreme court; and the manner of making proclamations, giving notice, and place of trial, are prescribed and regulated—and an appeal is given to the supreme court. 192-3

DOGS. 1. A certain tax to be assessed on dogs in the city and county of Philadelphia, and in the counties of Bucks, Chester, Montgomery and Delaware—to be collected as county rates and levies are collected; and five *per cent.* to be allowed to the collector. 36

(Tol. 5.)

2. The county treasurers shall keep separate accounts of the money arising from the tax on dogs, which is appropriated as a fund to compensate damages occasioned by the destruction of sheep, by dogs; except in the city and liberties, where it shall be paid to the treasurer of the guardians of the poor, for the support of the poor therein. 36

3. Any dog staying about a house, shall be deemed sufficient evidence of ownership, to authorize an assessment therefor, on the owner or possessor thereof; and any person sending his dog from place to place, to evade the tax, shall pay double tax therefor; and every dog not returned, shall be deemed to have no owner, and may be killed by any person seeing him running at large. 37
4. If any dog shall be seen worrying sheep, it shall be lawful for any person seeing the same, to kill such dog; or if any dog shall be known to worry sheep, and information thereof be given to the owner of the dog, if he do not kill him, he shall make full compensation for all damage done by said dog, and any person seeing such dog running at large, may lawfully kill him. 37

DOMESTIC ATTACHMENT. } (See title "Attachment—domestic and foreign.")

DONATION

LAND.

(Vol. 2.)

1. The donation land located and laid off, by prescribed boundaries. 63-4
2. No improvement, location, warrant, grant, right, title, or claim, whatsoever, made or procured, by, from or under any Indian nation, the late proprietaries, or any other person within the said described limits, shall be valid, or of any effect, in law or equity, but the same shall be void, &c. 64
3. Officers and privates, entitled to land, or their heirs, &c. to make application for the same within two years after the peace:—and on neglect, it is declared lawful for any person to apply to the land office, to locate and take up such parts thereof, as may remain unlocated, upon such terms as the legislature *shall hereafter direct*. 64
4. Officers and soldiers prohibited from selling their shares of the land, until the same should be surveyed. 64
5. Donation lands, granted, or to be granted, to any officers and soldiers of the Pennsylvania line, shall be exempt from taxation, for and during the life of such officers and soldiers, respectively, unless transferred, or aliened to other persons, according to the true intent and meaning of the act of 1st March, 1780, (vol. 1, pa. 489.) 237-8
6. The mode of distributing the donation lands, directed—the land to be surveyed and laid off in districts—the persons intitled described—and the widows and children of such persons, as were slain in battle, or died in service, &c.—and certain other persons, under special circumstances, &c. 290-1
7. The form of the patent prescribed. 293
8. The lands not applied for within the time limited, to be laid off, advertised and sold, for the benefit of the state. 294
9. Those whose donation tracts fell, upon running the state boundary, into New-York, upon surrendering their patents, entitled to new patents for the like quantity, &c. 110, 467
10. A list of persons entitled, whose names were not included in the former list, to be made by the comptroller-general—lots to be drawn—the wheels to be kept by the land officers, who shall draw for absentees, &c. The *legal representatives* of any person deceased, entitled to all the advantages and emoluments, and to draw lots, in like manner, and with like effect, the deceased might have done, if living—and after the periods of limitation, so much of the donation lands, for which no application shall have been made, may be disposed of in such manner as the legislature *shall in future by law direct*. 233
11. After the 1st of May, 1800, no lots for donation land shall be drawn, and the residue of the donation land shall revert to the commonwealth, and be disposed of in such manner as *shall be directed by law, in relation to other lands, the property of the state*. 383-4

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12. By the act to complete the benevolent intention of the legislature, by distributing the donation lands to all entitled thereto—the land officers were directed to ascertain the number of undrawn and unappropriated donation lots; and to satisfy the claims of applicants entitled thereto—The surveyor-general to cause a survey to be made, so as to ascertain the lots which may still be in this commonwealth, which were reported to have fallen within the state of New York, or in the triangle purchased from Congress—to procure returns of lots in any other district, unappropriated—and to divide larger into smaller lots, &c. 505-6
13. The secretary of the commonwealth to deliver all the books and other documents in his office, relative to donation lands, to the land officers. 506
14. Upon satisfactory proof to the board of property, by the widow, *heir* or *heirs* of any deceased officer or soldier, the board directed to issue a patent, in favour of such widow, *heir* or *heirs*, for such donation lands, as the officer or soldier, if living, would be entitled to, (*infra*, No. 17.) 506
15. No application for donation land to be admitted; and no patent for such land, already applied for, shall be granted, unless such patent be demanded within one year after passing this act, (2d April, 1802) 506

- (Vol. 4.) 16 The distribution of donation lands, regulated and continued—reciting actual settlements made in the struck district—The tickets in that district directed to be taken out of the wheel (being the easternmost part of the second district) to be granted to those who may have settled the same agreeably to the act of 1792—and officers, &c. holding patents for lands in said bounds, or in the triangle, on releasing to the state, to have another lot of equal quantity patented free of expense, (*infra*, No. 18.) 223-4

- (Vol. 5.) 17. After 11th March, 1809, no patent shall issue, or any application be made for donation land, to any heirs of persons who died, or were slain in the service of the United States, and who were entitled to donation lands, except to their widows and children; previous applications neither affirmed nor impaired, (*supra*, No. 14.) 18
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- (Vol. 3.) } 2. entitled to two dollars a day, during the session—and one hundred and fifty dollars a year, for *extra* services: to commence from the time of their appointment. 184

- DORLEANS, LEWIS. } 1. The name of Lewis Dorleans changed to Lewis Emery. 13
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- DOWER. } 1. The share of an intestate's estate, allotted to the widow, under the intestate laws, shall be in lieu of dower. 148
- (Vol. 3.) }
2. If a testator shall devise and bequeath to his wife any portion of his estate, it shall be taken to be in lieu and bar of her dower out of her husband's estate, in like manner as if the same were so expressed—unless the testator by his will shall declare otherwise—but she shall have her election to take either the devise or bequest, or her dower. 300

- (Vol. 5.) 3. But in all cases of devises or bequests to widows, which by force of any last will or testament, or by operation of law, will bar such widow of her dower, subject to her right of election, the orphans' court, on the application of any person interested, at any time after twelve months from testator's death, may issue a citation to the widow, to appear at a certain time, not less than one month thereafter, in said court, to make her election, either to accept of such devise or bequest, in lieu of dower, or waive the same, and take her dower, of which election a record shall be made, which shall be conclusive to all parties; but on refusal or neglect to appear, on due proof of the service of the citation, it shall be deemed an acceptance of the devise or bequest, and a bar of dower, of which a record shall be made, which shall be conclusive to all parties concerned. 258

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E.

- EASTON. } 1. The electors, residing in the borough of Easton, in the county of
(Vol. 5.) } Northampton, authorized to elect, annually, on the first Friday of
March, four suitable persons, citizens of the said borough, &c. of
whom the court shall appoint two to be constables of the borough,
&c. 309
- EDUCATION. } 1. The assessors of the respective townships, when directed by the
(Vol. 3.) } county commissioners, annually, shall receive from the parents,
and return the names of all the children between the ages of five
and twelve years, and whose parents are unable to pay for their
schooling;—the commissioners to hear appeals, &c. and after ad-
justment of the list, they shall transmit a correct copy thereof to
the proper assessor, requiring him to inform the parents of the
children therein mentioned, that they are at liberty to send them
to the most convenient school, free of expense; and forfeiture on
the assessor for neglect. But the names of no children, whose
education is otherwise provided for, shall be received by the as-
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taught, and the stationery furnished; from which book he shall
make out his account, on oath, &c. agreeably to the usual rates;
which being examined and approved in the manner prescribed
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six weeks schooling for every year of his or her term of servitude;
and the register shall insert the same fully in their indentures. 113
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Moyamensing and Passyunk; in which, before any such children
shall be sent to school, it shall be the duty of the commissioners of
Philadelphia county to fix on the teacher, or teachers, and to fur-
nish stationery, school books, and other materials, necessary to
them in the commencement and progress of their education; and
shall contract with the teacher for the price of tuition; or if they
think proper, may establish public schools under such regulations
as shall be approved by the select and common councils of the city,
and the respective boards of commissioners of Southwark and
Northern Liberties,—but nothing herein shall prevent the free and
impartial education of poor children *gratis*. 378-9
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- EICHBAUM, } 1. Three thousand dollars loaned by the state to William Eichbaum,
WILLIAM. } to enable him to carry on a manufactory of wire, to be repaid in
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under the penalty of forfeiting two years rent of the premises;
and the court was authorized to sully the landlord to be made de-
fendant with the tenant; and if tenant neglected or refused to ap-
pear, judgment might be signed against the casual ejector; but if
the landlord desired to appear by himself, and consented to enter
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- (Vol. 4.) 6. A new form devised for bringing ejectments; the writ prescribed;—and the plaintiff, by himself, his agent or attorney shall file in the prothonotary's office, on or before the first day of the term to which the process issued is returnable, a description of the land, together with the number of acres which he claims, and declares that the title is in him, and the defendant shall enter his defence, (if any he hath) for the whole, or any part thereof, before the next term, and thereupon issue shall be joined. 332
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9. No writ of ejectment shall abate by reason of the death of any plaintiff or defendant, but the person or persons next in interest, may be substituted in the place of the plaintiff or defendant, who shall have died, pending the writ. 477
10. Where two verdicts in ejectment between the same parties, shall be given for the plaintiff or defendant, in succession, and judgment be rendered thereon; no new ejectment shall be brought; but where there may be verdict against verdict between the same parties, and judgment thereon, a third ejectment in such case, and verdict and judgment thereon, shall be final and conclusive, and bar the right; and the plea in ejectment shall be *not guilty*. 477

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GENERAL.
(Vol. 3.)

1. The general elections within this commonwealth, regulated—to be conducted by judges, inspectors and clerks—The qualification of voters, and rights of citizenship described, and what proof may be required thereof. 340
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3. [Agents of election to be appointed by the court, repealed, vol. 4, page 101] . 342
4. The inspectors which shall have been chosen, shall meet at nine o'clock of the forenoon of the day of election, at the proper place for holding the election; and shall choose a prescribed number of judges of the election—and such clerks shall be appointed by the inspectors and judges as may be deemed necessary, who shall be of full age and sworn, &c.—The oaths to be respectively subscribed, by the inspectors, judges and clerks, and a copy, so signed, shall be sealed up in one of the boxes, with the tally papers, after the election, and be delivered to the prothonotary, to remain on file in his office, and the form of the respective oaths of the inspectors, judges and clerks, prescribed at large, (*infra*, No. 30.) 342-3
5. The respective county commissioners, [at least three days before the general election day, shall deliver, or cause to be delivered to one of the proper agents,] a separate alphabetical list of the names and surnames of all the male taxable persons of each ward, borough and township, who have been assessed for a state or county tax at least six months before that day;—and also a sufficient number of blank forms and returns, made out in a proper manner, and headed, as the nature of the election may require, under the penalty of fifty dollars on each commissioner, for neglect—[and the agent's duties prescribed, but this altered by the act of 4th April, 1803, vol. 4, pa. 102,] (*infra*, No. 34.) . 344
6. In case any township be divided in forming an election district, the electors in each part of such divided township, shall, respectively, choose one inspector, &c.—and the commissioners shall furnish such inspector with a list of the taxable inhabitants within such divided township. 344
7. Any inspector, duly notified of his election, and neglecting to attend at the prescribed hour on the day of the election, shall forfeit fifty dollars; and the vacancy shall be supplied by the qualified electors then present; or, if they neglect to make such appointment, the judges of the election shall make the same; and any person thus chosen to supply the vacancy, neglecting or refusing to perform the duty, shall forfeit and pay the like sum of fifty dollars. 344

8. The judges to determine where the inspectors shall sit—and over the door or window, the name of the proper district, &c. shall be placed in large and legible written or printed characters. 344-5
9. The inspector shall receive votes from none but voters residing in his proper ward, township, or district—and the name and abode of each elector, whose ticket shall have been received, shall be called out aloud by the inspector who shall receive the same, and shall be entered by at least two clerks, in separate lists, and the name repeated by them; and the name shall be also marked in the alphabetical list of the proper township, &c. by the inspector inserting the letter *v* in the margin of such list, opposite the name of the elector who has voted: but if such elector shall be sworn or affirmed, or have produced a certificate, or evidence of naturalization, the inspector shall also note the same in the margin of such list—and no person shall be admitted to vote, whose name is not inserted in the list, unless he produce a receipt for the payment of a state or county tax, assessed agreeably to the constitution, or give other satisfactory evidence, on his own oath, or otherwise, that he has paid such tax;—or, if he claims a right to vote, by being the son of an elector, and that he is between the ages of twenty-one and twenty-two years, he shall depose on oath, &c. that he verily believes he is of such age, or such other evidence as may be reasonably required, and be satisfactory to the inspectors and judges, whereupon his name shall be inserted in the list, by the inspector—and the word "*tax*," or "*age*," be inserted opposite thereto, according to the principles on which he has been admitted to vote—and the reason of such vote shall be called out to the clerks, who shall make the like notes in the lists of voters kept by them. 345
10. All elections shall be opened between ten and twelve o'clock in the forenoon, and shall continue without interruption or adjournment, till all the electors shall have full opportunity to give in their respective votes:—and the manner in which the tickets shall be made out and delivered, and deposited in the boxes, prescribed. 345-6
11. If any judge, inspector, or other person, before the polling of the tickets be closed, shall unfold, open, or pry into any such ticket, with design to discover the names of the candidates therein, he shall forfeit and pay to the party grieved, fifty dollars, with costs, to be recovered in any court of record. 346
12. If any elector shall offer more than one ticket of each specified kind, with a fraudulent design, he shall forfeit and pay twenty dollars for every such offence, and shall forfeit his vote at such election. 346
13. The mode of counting and tallying the votes, prescribed; and if upon opening any of the tickets, there be found any more names on any of them than ought to be;—or if any two or more of such papers be deceitfully folded together, such tickets shall be rejected, and not counted among the votes. 346
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15. The sheriffs, respectively, shall give twenty days public notice of the election, under the penalty of two hundred dollars for neglect. 348
16. In case of a vacancy in either branch of the legislature, writs of election shall be issued by the speaker, directed to the sheriff of the proper county, or district, as the case may be, commanding him, on a day certain, to be expressed in such writ, to hold an election to supply such vacancy;—if it happen during the session of the assembly, or when the same shall be required by their own adjournment, or by the governor, to meet at a time previous to the next general election, the speaker shall appoint a time as early as may be convenient, for holding such election; but if the writ be delivered in the recess of the legislature, and the legislature shall not be required to meet before the next general election, the speaker shall direct the writ to be executed at the next general election. But in such latter case, if the legislature shall be specially convened by the governor, the sheriff shall execute the same, by holding an election within thirty days after the governor's proclamation—The writ shall be delivered to the sheriff at least fifteen days before the day appointed for the election, and he shall give public notice, &c. at least ten days before the election;

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- and shall send a copy to the judges of the election; the election to be held as in usual cases, and the judges and inspectors of the preceding general election, respectively, shall attend and serve as such, at such occasional elections. . . . 348-9
17. The judges of the election, who meet to make up the returns, shall give notice to the members of the legislature, elected, who reside in their respective districts, of their election, within ten days next after making the return. . . . 349
18. Elections shall be free and voluntary; and electors receiving any gift, or reward for their votes, shall forfeit their right to vote at that time, and also a sum not exceeding fifty dollars, and imprisonment not exceeding six months, on conviction, &c. . . . 349
19. If any intimidation, threats, force or violence has been used or practised, with design to influence unduly, or to overawe such election, or to restrain the freedom of choice; or if any officer of the election shall be threatened, or violence used to his person, or interrupted in the execution of his duty, every person guilty of any of these offences, on conviction, shall be fined and imprisoned, at the discretion of the court, not exceeding six months imprisonment, nor one hundred dollars fine; and any person who shall bribe, or promise or attempt, directly or indirectly to give any reward, &c. in order to procure any person to be elected, he shall, on conviction, be liable to fine and imprisonment, with the like limitations. . . . 349
20. If any person, not qualified to vote (except the sons of qualified citizens) shall appear at any place of election, for the purpose of issuing tickets, or of influencing the citizens qualified to vote, he shall forfeit and pay any sum not exceeding thirty dollars for every such offence. . . . 349
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23. The commissioners of the proper county, shall, out of the county stock, provide sufficient and suitable boxes for depositing the tickets taken in by the inspectors of the several districts;—and after the election, they shall be given in charge to some justice of the neighbourhood, to be kept till the next election. . . . 350
24. As soon as the election is finished, the tickets, lists of taxables, one of the lists of voters, tally papers, and one of the certificates of oaths taken and subscribed by the judges, inspectors and clerks, shall be carefully collected, and deposited in one or more of the boxes, which being closely bound with tape, and sealed by two or more of the judges, and one or more of the inspectors, shall be delivered to the nearest justice, to be kept by him, to answer any call of committees of the legislature, in case of contested elections;—and the other lists of voters, tally papers and certificates, shall be enclosed by the said judges in a sealed cover, directed to the prothonotary of the county, and be by one of them delivered into his office, to be there filed; and the prothonotary shall give certified copies thereof, for the usual fees, to any person applying for the same. . . . 350-1
25. If any judge, inspector, clerk, or other person, shall deface, alter, embezzle, or destroy, any tickets, lists or tally papers, or certificates, he shall forfeit and pay three hundred dollars for every such offence, to the person who shall sue for the same within six months after, and suffer imprisonment for a term not exceeding twelve months;—and if any justice shall refuse to receive the said boxes, or having received the same, shall neglect the safe keeping thereof, he shall forfeit and pay two hundred dollars for every such neglect or refusal. . . . 350-1
26. If any judge, inspector or clerk shall be convicted of any wilful fraud in discharge of his duties, he shall forfeit not less than one hundred, nor more than five hundred dollars, and be for seven years disabled from holding any office of honour, trust or profit in this state; and also, for the same term to elect, or give his vote, at any general or special election. . . . 351

27. If any person appointed to be judge, inspector or clerk, shall neglect or refuse ; or having taken upon himself the duties, shall afterwards neglect duly to perform the same, he shall forfeit and pay not less than fifty, nor more than one hundred dollars for every such offence ;—and if the prothonotary or sheriff shall neglect or refuse the duties enjoined upon them, or shall wilfully misbehave in the doing thereof, he or they shall forfeit and pay not exceeding five, nor less than two hundred dollars, and suffer imprisonment for any term not exceeding six months. 351
28. Compensation to the officers of the election fixed—and to be paid by the county treasurer, out of the county stock, on the commissioners orders. 351
29. Every specific fine and forfeiture incurred under this act, shall be recovered by action of debt, brought in the supreme court, or in any court of common pleas, or by information or indictment, one half to the use of the informer, prosecutor or plaintiff, and the other half to the use of the commonwealth—and where such fine or forfeiture is not specific, by indictment—to the same uses ;—but all such suits and prosecutions to be brought within six months. 351-2
30. Provision for changing the places of election, in case of contagious disease in the city of Philadelphia. 352
- (Vol. 4.) 31. Any judge of the common pleas, alderman, or justice, present at the election, shall administer the prescribed oaths, &c. (*supra* No. 4,) to the judges, inspectors and clerks ; but if none be present, nor conveniently can be had, one of the judges of the election, having first taken the oath, &c. administered to him by one of the other judges shall administer the oaths, &c. to the other judges, inspectors and clerks ; and the duties assigned to the agents of elections, to cease. 101
32. Assessors neglecting to assess and return persons subject to taxation, shall forfeit and pay for every neglect, or refusal, not less than twenty, nor more than twenty-six dollars, &c. And if in the alphabetical list of taxables, directed to be delivered to the inspectors, the commissioners shall wilfully omit to insert the name of any person duly assessed and returned, they shall, on conviction, be fined and severally pay, for every such wilful omission, besides costs, not less than thirty, nor more than sixty dollars, &c. and the party grieved shall be a competent witness, &c. 101
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ERROR AND APPEAL.

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	2. The tenors or transcripts of the records, under the common seal, and not the records themselves, to be sent to the supreme court, on writs of error directed to the mayor's court of Philadelphia, &c. (<i>infra</i> , No. 4.)	139
	3. Any person, either by appeal, or writ of error, as the case may require, may seek and obtain redress against any error or errors, in proceedings to bar estates tail by fine and common recoveries, (<i>infra</i> , No. 7.)	204
(Vol. 2.)	4. Any person aggrieved by the judgment of the mayor's court of Philadelphia, may obtain his writ of error, which shall be granted of course, as other writs of error are granted, and made returnable to the supreme court, and be proceeded in under the same rules and regulations; but the said court shall not be compelled thereby to transmit the records themselves, but only the tenors or transcripts thereof, &c. under their common seal; and after such judgments shall be reversed or affirmed, the said mayor's court may proceed to execution, or otherwise, according to law.	463-9
(Vol. 3.)	5. No writ of error shall be available to remove an indictment, or to stay execution on the judgment rendered thereon, unless the same be specially allowed by the supreme court, or one of the justices thereof, upon sufficient cause shewn, or shall have been sued out with the consent of the attorney-general; such allowance, or consent, to be in writing, and certified on said writ.	30
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	7. Depositions taken before the register's court, to be made part of the proceedings on appeal—and the decree may be reversed for any error in law or fact, or affirmed according to the merits and justice of the case.	34
	8. No fine or common recovery, nor any judgment in any real, personal, or mixed action, nor any appeal from the register's courts, shall be avoided or reversed, for any defect, or error therein, unless the writ of error be commenced, or the appeal brought and prosecuted with effect, within seven years after such fines levied, common recovery suffered, judgment signed, or entered of record, or decree be pronounced, unless the person entitled thereto, at the time such title accrued, be within the age of twenty-one years, covert, non compos mentis, in prison, or out of the United States—in	

which cases, (notwithstanding the seven years be expired,) he may have his writ of error or appeal within five years after his or her full age, discovery, coming to sound mind, enlargement out of prison, or return into some one of the United States ;—but not afterwards, nor otherwise.

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- (Vol. 4.) 9. The high court of errors and appeals abolished, and all the powers and duties thereof shall be vested in, and exercised by the supreme court ; and the records thereof shall be deposited in the office of the prothonotary of the said court, who shall receive the same, and give copies thereof under the seal of his office, when required, for the usual fees—which shall be evidence, &c. (*supra*, No. 6.) 272-3

- (Vol. 5.) 10. Writs of error to issue from the supreme court of the proper district, to the courts of the several counties ; and the party purchasing any writ of error, shall make oath or affirmation, to be filed with the record, that the same is not intended for delay. 17

11. Bail in error may be entered into before any of the judges of the court, upon whose judgment the writ is taken, and shall be duly certified and transmitted with the record ; and the recognizance or bond may be sued in the proper county, or elsewhere, if defendants do not reside in such county. 17

12. No writ of error shall issue to the common pleas on the judgment of that court on proceedings of justices removed by *certiorari*. 172

13. Writs of error to lie to the district court of the city and county of Philadelphia. 224

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- (Vol. 1.) }
(Vol. 2.) } 2. The keepers of any of the gaols and houses of correction, in this state, their deputies or assistants, in case any offenders (alluded to in the act) shall escape from confinement, without the knowledge or consent of the said keepers, deputies or assistants, shall forfeit and pay [ten pounds, &c. *infra* No. 5.] This not to be deemed or taken to extend to escapes voluntarily suffered by any such keepers of the said gaols or work-houses. 541

3. If any offender, sentenced to hard labour, shall escape, he or she, on conviction, shall suffer such additional confinement at hard labour, and such additional corporal punishment, not extending to life or limb, as the court, in which such offender shall have been convicted, shall adjudge and direct. (See vol. 3, pa. 190, § 13.) 541

- (Vol. 4.) 4. Where any person, charged with having committed a felony in the city, or any county in this state, shall go, or escape into any other county, or into the city—the president, or any judge of the common pleas in the county where the said person may be found, may issue his warrant to the sheriff of the said county, to take the said person and conduct him or her to the proper city or county, where the felony is alleged to have been committed ; the expenses of which shall be paid to the said sheriff by the county or city to which the said person is conducted. 393-4

5. If any gaoler shall be convicted of having by his negligence suffered any prisoner committed to his custody, to escape, he shall forfeit and pay for every such offence a sum not exceeding three hundred dollars. 394

- ESCHEAT— }
ESCHEATOR } 1. If any person, at the time of his death, seized or possessed of any real or personal estate within this commonwealth, shall die intestate, without heirs, or any known kindred, such estate shall escheat to the commonwealth, subject to all legal demands on the same. 425

- (Vol. 2.) }
2. But there shall be no escheat of real estate for want of heirs, where brothers or sisters of the half blood, or father or mother, or grandfather, or grandmother of the deceased, survive to take the same, but that such brother and brothers, sister and sisters, by equal portions, if there be more than one, or in default thereof, such grandfather, or in default of him, such grandmother, shall inherit and hold the same estate in fee simple. 425

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| 3. An escheator-general to be appointed, who shall hold his office for the term of seven years, if he shall so long behave himself well; and he may appoint a deputy in each county, for whom he shall be responsible. | 426 |
| 4. Upon information of any escheat, the escheator-general shall issue his precept to the sheriff, &c. and ascertain the escheat by an inquest, which inquisition shall be transmitted to the prothonotary's office of the supreme court—and proceedings to secure the property after inquisition found, prescribed—Escheator may lease the lands, &c. and provision in case of disputed titles. | 426-7 |
| 5. After inquisition found, claims may be filed, and heard in the supreme court without delay, upon a traverse to the office, or petition of right, and the testimony taken in writing, on finding of the inquisition, shall be admitted as legal testimony on the part of the commonwealth. | 427 |
| 6. But if no such claim be made within seven years after the inquisition returned—or, if upon claim, the title of the commonwealth be established, the prothonotary shall certify to the escheator-general, that no claim has been made, or, if made, that judgment had been rendered against the same, and the title of the commonwealth established—whereupon the escheator-general shall proceed to sell the same, at public auction, on due notice (prescribed), and after sale, certify the name, surname and addition of the purchaser, to the executive department, who, on filing such certificate in the secretary's office, together with an acquaintance from the state treasurer, for the purchase money, shall grant the same by deed to the purchaser, in fee simple, subject to any reversion, remainder, lease, rent, common mortgage, incumbrance, office, or other profit; as the same was subject to before the finding of the inquisition; provided the person entitled to such reversion, &c. had, previously to the sale, exhibited, and established such claim, in the supreme court; in default of which he shall be forever debarred from recovering the same. | 428 |
| 7. If any person within seven years after such sale, shall appear and make and establish his claim to the lands, &c. so sold, he shall receive from the state treasurer, on warrant from the executive department, all the monies received by the commonwealth on such sale, deducting the charges—and, in case of the sale of goods and chattels, within five years after the sale. | 428 |
| 8. Persons under legal disabilities allowed the same periods, according to the nature of the property sold, to make and establish their claims after the disabilities are removed. | 429 |
| 9. If debts be due to the intestate, or real estate not mentioned in the inquisition, be in the hands or possession of any person dwelling in the state, the same shall be recovered to the use of the commonwealth, by information of debt, intrusion, or action in nature of trover and conversion, or on the case for money had and received to the use of the commonwealth, as the case may require; in which proceedings, respectively, the inquisition shall be admissible evidence, to prove that the same intestate died without heirs, or known kindred. | 429 |
| 10. The person who shall first inform the executive, by writing, signed by such person, in the presence of two subscribing witnesses, of any escheat happening, and who shall procure necessary evidence to substantiate the title of the commonwealth to the same, and shall prosecute the same with effect, shall be entitled to the third part of the price of the goods and chattels, or one-fifth part of the price of the lands, after all costs of prosecution, and charges of sale be deducted therefrom. | 429 |
| 11. But before such money shall be paid to such person who shall so first inform, he shall give bond to the commonwealth, with sufficient freehold security, to refund the same, or any part thereof, as the case may be, in case of any claim appearing, which shall be established, &c. | 429-30 |
| 12. In every case where goods and chattels or lands, are held in common with any person whose estate shall escheat, the commonwealth shall not acquire any other, or greater estate, than the person dying intestate, as aforesaid, had. | 430 |
| 13. The escheator to give bond and security, &c. and the operation thereof limited—to be renewed at the end of seven years—and the duties of the secretary therein prescribed. | 430 |

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(Vol. 3.) 18. Lands or estates held by devise or descent, shall not escheat or be forfeited to the commonwealth, for or on account of the alienage of the person claiming the same under any last will, or succeeding to the same, according to the laws of this commonwealth.	4
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(Vol. 2.) } (Vol. 5.) }	1. Fines and forfeitures, set or imposed, &c. in any court, shall be estreated into the accountant office, twice a year, and the duties of the clerks therein, prescribed. (See title "Fines and Forfeitures.")	85
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(Vol. 4.) }	1. When any ejectment shall be depending, it shall be lawful for the prothonotary, or clerk of the court in which such ejectment shall be depending, upon <i>affidavit</i> of the plaintiff, or other person knowing the fact, filed in his office, that the tenant or defendant in such ejectment has committed, or is committing waste or destruction of, or in the premises, to issue a writ of estrepement to prevent the same, of course, without motion to the court, and in vacation ; which <i>affidavit</i> shall be sworn before one of the judges of the supreme court, or common pleas ; and shall be considered regular, though the judge before whom it shall be taken, may not be a judge of the court in which such ejectment shall or may be depending.	89
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EVIDENCE.

(Vol. 1.) } (See title "Witness.") }	1. The registry kept by any religious society, in their respective meeting-book, or books, of any marriage, birth or burial, within this state, shall be held good and authentic, and shall be allowed of upon all occasions whatsoever.	20
	2. A single woman, having a child born of her body, the same shall be sufficient proof to convict her of fornication ;—and the man charged by her, shall be the reputed father ; and she persisting in the said charge in the time of her extremity of labour, or afterwards, in open court, upon the trial of such person so charged, the same shall be given in evidence, in order to convict such person of fornication.	27-8
	3. In debt on bond, &c. the defendant may plead payment of the whole, or part of the debt demanded, and give any bond, bill, receipt, account, or bargain in evidence, as a set-off, or defalcation.	50
	4. All bonds, specialties, letters of attorney, and other powers in writing, which shall be produced in any court, or before any magistrate in this state, the execution whereof being proved by two or more of the witnesses thereunto, before any mayor or chief magistrate, or officer of the cities, towns or places, where such bonds, &c. are or shall be made and executed, and accordingly certified under the common or public seal of the cities, towns or places, where the said bonds, &c. are so proved, respectively, shall be taken and adjudged as sufficient in law, as if the witnesses therein named had been present, and such certification shall be sufficient evidence to the court and jury for the proof thereof.	69-70

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5. Copies, or exemplifications of all deeds enrolled, being examined by the recorder, and certified under the seal of the proper office, shall be allowed in all courts where produced, as good evidence, and as valid and effectual in law as the original deeds themselves, or as bargains and sales enrolled in the courts at Westminster, and copies thereof can be; and may be shewed, pleaded, and made use of accordingly.	95
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7. The ancient books and records of the corporation of Germantown to be deposited in the recorder's office of Philadelphia county—and the said records, or copies or exemplifications thereof, examined by the recorder, and certified under his hand and seal of office, shall be allowed, deemed and taken as good evidence, and as valid and effectual in law, as the originals themselves, and may be pleaded, given in evidence, and made use of accordingly.	284
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13. Upon claims made upon escheated lands, &c. and upon a traverse to the office, or petition of right, the testimony taken in writing, on finding the inquisition, shall be admitted as legal testimony on the part of the commonwealth; and in suits by the commonwealth to recover the debts due to, or the estate of, the intestate, whose estate has escheated, the inquisition returned shall be admissible evidence to prove that the intestate died without heirs or known kindred.	427, 429
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16. The supreme court, and common pleas, shall have power, in any action depending before them, on motion, and sufficient cause shewn, by <i>affidavit</i> , or <i>affirmation</i> , and due notice given, to require the parties, or either of them, to produce books or writings in their possession or power which contain evidence pertinent to the issue; and if either party shall fail to comply with such order, and to produce such books or writings, or satisfy	

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the court why the same is not in the party's power so to do, it shall be lawful for said courts, if the party so refusing shall be a plaintiff, to give judgment for the defendant, as in cases of non-suit, and if a defendant, to give judgment against him or her, by default, as far as relates to such parts of the demand, or defence, to which the books or papers of the party, are alleged to apply.	303
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24. The secretary of the land office, on granting patents to certain Connecticut settlers, shall endorse thereon the arrears of purchase money due, which the patentee shall cause to be recorded, within six months, in the proper county—and such record shall be as good evidence of the purchase money due to the commonwealth, and upon which to bring a suit for the recovery of the same, as if it had been secured by mortgage in the proper form, and recorded at large. (See title "Land office," No. 135.)	265
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	2. Husband of feme covert shall have administration of her estate.	390

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FENCES. (Vol. 1.)	1. All cornfields and grounds kept for inclosures, shall be well fenced with fence, at least five feet high, of sufficient rail or logs, and close at the bottom; and whosoever, not having their grounds enclosed with such sufficient fence, shall hurt, kill, or do damage to any horse, kine, sheep, hogs or goats, of any other persons, by hunting, or driving them out of, or from the said grounds, shall be liable to make good all damages sustained thereby, to the owner of the cattle, (infra, No. 6, 7, 9.)	13
	2. Where neighbours shall improve lands adjacent to each other; or where any person shall inclose any land adjoining to another's land already fenced in, so that any part of the first person's fence, becomes the partition fence between them, in both cases, the charge of such division fence (so far as inclosed on both sides) shall be equally borne and maintained by both parties.	14
	3. And the county courts shall appoint viewers of fences in each county respectively, who shall be the sole judges of the charge to be borne by the delinquent, or by both, or either party, and of the sufficiency of all fences, whether partition fences, or others: and where they judge any fence to be insufficient, they shall give notice thereof to the owner, or owners, or possessors; and if any one of them, upon request of the other, and due notice given by the viewers, shall refuse to make or repair such fence or fences, or pay the moiety of the charge of any partition fence before made, within ten days after such notice, upon proof thereof before two justices of the county, the said justices may order the person aggrieved, to repair the same,	

who shall be reimbursed his costs and charges from the person refusing, to be levied by distress and sale, &c. (*infra*, No. 10.) . 14

4. The surveyors, or regulators of Philadelphia, shall have power to regulate the partition fences within the city; and where the adjoining parties improve or inclose their lots, such fences shall be made in the manner generally used, and kept in good repair, at the equal cost of the parties, so that the price for making exceed not forty shillings for every hundred feet, unless the owners agree otherwise. . 126

5. If either party neglect, or refuse to pay his part for repairing, or setting up such fence, the party at whose cost the same was repaired or set up, may either have his action at law, or have the same determined as in cases of debts under forty shillings, as the case may require. . 126

6. All fences shall be esteemed lawful and sufficient, though they be not close at the bottom, so that the distance from the ground to the bottom thereof exceed not nine inches, and that they be four feet and an half high, and not under, (*supra*, No. 1, *infra*, No. 7, 9.) . 17.

7. All fences erected in the counties of Bedford, Northumberland, Westmoreland, Washington and Fayette, shall be as follows:—all fences shall be four feet and an half high, with sufficient stakes and riders added thereon, and that the under rail in each panel, shall not exceed five inches from the surface of the ground, and the first fence in each panel, shall not exceed five inches wide between the rails; and that the side fences shall have at least four feet worm; and all post and rail fences shall be four feet and an half high, and the distance between the rails as aforesaid; and appraisers are to be appointed, elected, to view the fences, and ascertain damages, and their times and especially prescribed. . 96

. . . This act repealed with respect to Northumberland county, according to the limits thereof on the 7th of March, 1800. Vol. 3, page 417.

. . . And as far as it respects Luzerne county, vol. 4, pa. 243.

. . . And as far as it respects the borough of Somerset, in the county of Somerset, vol. 4, page 408

. . . And so far as respects the counties of Washington and Allegheny, vol. 4, page 528, (*infra*, No. 9.)

. . . And so far as respects the boroughs of Councilville, and Uniontown, in the county of Fayette, vol. 5, page 83.

(Vol. 4.) 3. If any person shall erect, or make any fence beyond the common low water mark in the river Schuylkill, without license from the wardens, he shall forfeit, on conviction for every such offence, not exceeding twenty dollars, &c. . 234

9. In the counties of Washington and Allegheny, all fences shall be deemed lawful, which are four and an half feet high, and if in the judgment of referees, (to be appointed to view and assess damages, under the act of 1st March, 1799, vol. 3, pa. 354, in cases of trespass in those counties) the fence, or fences viewed by them, shall be such, in other respects, as are generally constructed, and deemed a sufficient fence within their respective townships, (*supra*, No. 7.) 528

(Vol. 5.) 10. Any three of the fence viewers appointed by the courts, shall be a quorum for doing business; and any view or order which they may make in pursuance of, or in discharge of the duties enjoined on them by the original act, (*supra*, No. 3,) shall be as firm and valid in law, as if the whole number appointed, had viewed and adjudged the same:—and their compensation fixed. . 148

FERGUSON,
ELIZABETH
(Vol. 5.)

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FERRIES.
(Vol. 1.)

1. If any person shall cut any rope stretched across any river or creek, by the owner, or occupier of any ferry, and used in drawing the boats, carrying travellers over the same, and be thereof convicted, he shall forfeit and pay ten pounds, &c. . 266

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2. The owners of ferries, when requested, shall slacken and sink the ropes, to enable masted boats to pass ; and the like penalty on neglect or refusal.	267
3. Flats or boats, with sails, shall have their masts, to strike, or take down, and shall pass under the ropes, unless loaded, so as to require the sinking of the ropes, in which case, the ropes shall be let down, &c. under the like penalty.	267
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5. John Sumrall, authorized to establish a ferry over Youghiogeny river.	89
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10. Peter Le Gauz. authorized to establish a ferry over Schuylkill, near Spring mill.	412
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19. Mary Clark, authorized to establish a ferry over Susquehanna, about eight miles above the mouth of Juniata.	359
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21. Martin Updegraff, authorized to establish a ferry, over the west branch of Susquehanna, in the county of Lycoming.	516

FIERI FACIAS. (See title "Execution.")

FINES AND
FORFEIT-
URES.

(Vol. 1.)

1. Forfeitures arising from convictions of simple larceny, shall be duly levied by the respective sheriffs, and paid into the treasury, and the treasurer shall keep true and just accounts thereof, and apply and pay the same to the use of government ;—except forfeitures in the city of Philadelphia, which shall go as their charter directs. 123
2. All fines and amerciaments, which shall be laid before the justices in sessions, shall be taxed, assessed and set, duly and truly, according to the quality of the offence, without partiality or affection, and shall be yearly estreated by the clerks of the said courts, respectively, into the supreme court, &c. (Supplied, *infra*, No. 7, 16.) 137
3. One moiety of all fines on convictions for adultery, shall be paid to the overseers of the poor of the place where the offender resided at the time of committing the fact, for the use of the poor ;—the other half to the use of the [governor,] *infra*, No. 4.) 389

4. All fines and forfeitures heretofore granted to the governor, shall be for the use of the state, and shall be paid into the state treasury. 431
5. The forfeiture in cases of conviction for manslaughter, shall be no more incurred, and fine and imprisonment substituted in lieu thereof. 499
6. No forfeiture in treason, to the disinheritance of the heir, after the revolutionary war. 500
- (Vol. 2.) 7. Fines and forfeitures to be certified and estreated into the comptroller general's office; and clerks receiving them shall pay the same to the sheriffs, who shall account therefor, with the comptroller-general. (Supplied, *infra*, No. 16.) 85
8. Every person confined in gaol, in execution or otherwise, for any fines or forfeitures, none of which shall exceed five pounds, exclusive of costs, and shall have remained so confined for the space of thirty days, shall be discharged from such confinement, and shall not be again imprisoned for the same, on application to the sheriff, if not detained for other cause. 483
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- (Vol. 5.) 16. All fines, issues, amerciaments, forfeited recognizances, and other forfeitures, which shall be set or imposed, lost, or forfeited, for the use of the commonwealth, in the several courts thereof, shall, by the respective clerks of the same, be certified and estreated, into the office of the auditor-general, within ten days after the expiration of the term, at which such fines and forfeitures were imposed, together with the judgments and orders of the said courts, respectively, on all forfeited recognizances which shall be sued in said courts, which estreats, or returns of fines and forfeitures, shall be under the oath or affirmation of the respective clerks, (*supra*, No. 2, 7.)

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flour than above specified, he shall forfeit the cask and flour—and the
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transported, except the same be put in a store, or other place, to keep
it dry;—and no flour, &c. shall be carried or conveyed by water,
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rying or transporting the same from any mill, or other place, to the
place of exportation, he shall forfeit one shilling for every cask so
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piercing it through, with a proper instrument, to prove whether it be
honestly and well packed; as also to enable him to judge of the good-
ness thereof, and he shall afterwards plug up the hole; and if the
inspector shall judge the same to be merchantable, he shall brand
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infra, No. 16, 19.] in a fair and distinguishable manner; and fee pre-
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and the owner shall acquiesce therein, he shall pay the inspector one
penny for each cask; and on refusal, the same may be recovered, &c.
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6. Mode of proceeding, in case of disputes between the owner and
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owner shall recover against them respectively, the damages which
he shall have sustained, with full costs of suit. 526
7. [Number of barrels of flour shipped, to be set forth in the manifest,
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8. The inspector, or his deputies, by virtue of this act, without other
warrant, may enter on board any ship, or other vessel, in any port

or place in this state, or into any mill, store, or granary to search for and discover any flour intended to be transported out of this state ; and if the owner, &c. shall deny him entrance, or if he or they shall be in any wise molested in making such discovery, or if the owner, &c. shall refuse to permit him or them to view and examine the same, he shall forfeit and pay ten pounds for every such offence. . . . 527

9. Penalties for counterfeiting the brand marks on flour casks, *infra*, No. 16 and 20.) . . . 527

10. The inspectors, or deputies shall not, directly, or indirectly, vend, barter, sell, exchange or trade in flour, under the penalty of fifty pounds, &c. and disability from acting in said office, on conviction. 527

11. The inspectors shall appoint the deputies ; and he and they, before acting, shall take an oath or affirmation, before any justice, faithfully and impartially to perform his trust and duty, to the best of his skill and understanding, according to the directions of this act. 527

12. Fines, forfeitures and charges, how to be recovered ;—and inspector or his deputies refusing to account for and pay them over, shall forfeit his office. . . . 527-8

13. [Inspector, how to be appointed, and removed for misconduct, &c.—obsolete.] . . . 528

(Vol. 2.) 14. Two shillings penalty for every cask, in which flour is packed, made of unseasoned materials, to the inspector, and the owner of the flour shall have his remedy against the miller or cooper, who furnished the cask, for the damage he may sustain. . . . 11

15. Where casks of flour are found deficient in weight, upon trial and examination, the person offering such deficient cask or casks, shall forfeit, for every pound so wanting in weight, nine pence, to be paid into the hands of the inspector, (*supra*, No. 2.) . . . 12

16. The inspector shall stamp the casks, and the plugs, with the letters S. P. (*supra*, No. 5,) and all casks, with counterfeited stamps, as well as casks, the contents of which may be changed after inspection, shall be liable to seizure and forfeiture, if offered for transportation out of this state, (*infra*, No. 19.) . . . 12

17. Middlings may be exported : but every cask of middlings, besides and exclusive of the miller's common brands, shall be branded by the miller, with the word MIDDLINGS, at length, or be liable to seizure and forfeiture, (*infra*, No. 22.) . . . 12

18. Penalties to be recovered as in the former act, (*supra*, No. 12.) 12

19. All flour intended for exportation, which shall be branded, or otherwise marked for superfine, shall, before it shall be laden, be inspected and examined by the inspector, or his deputy, as described in the 11th section of the original act, (*supra*, No. 5,) and if the inspector shall judge the same to be of sufficient fineness and quality, in all respects, to pass, and be exported as good superfine flour, of the proper merchantable standard, and as such he shall brand the same with the *arms of the state*, (*supra*, No. 5—16,) as directed by the original act, in a fair and distinguishable manner ; provided, that every miller or bolter of such flour, may, if he shall think proper, mark every such cask with such brand of superfine, before the same shall be removed from the place of bolting ; and if the inspector shall judge such flour, having thereon the brand of superfine, to be inferior to the standard quality, which shall intitle it to be shipped and exported as superfine, he shall cut out and totally destroy such superfine brand mark :—and if any dispute shall arise between the inspector and possessor of such flour, concerning the fitness thereof to pass as superfine, the possessor may have the same tried and determined, as directed in the original act, for settling disputes concerning the quality of flour, (*supra*, No. 6,) and the parties intitled to the like benefits, &c. and subject to the like penalties, according to the decision, as is therein directed in cases of similar nature. . . . 270-1

20. If any person shall impress the brand of superfine, on any casks of flour, after the same shall have been carried away from the mill or

bolting-house where packed, and before it shall have been inspected and allowed as superfine, by the inspector, and be thereof convicted, he shall be subject to the like penalties as directed in the original act, for the counterfeiting, or impressing counterfeit brand marks, (*supra*, No. 9)—and if any person shall wilfully impress, or cause to be impressed, the brand mark of superfine, or the similitude thereof, on any cask of flour, after it shall have been inspected, or shall wilfully and fraudulently ship, or attempt to ship for exportation, any flour, the cask whereof shall bear the mark of superfine, knowing the same to be of inferior quality, or with design to deceive, and to evade the regulation hereby intended, he shall forfeit on conviction, one hundred pounds, for every such offence, to be recovered by the attorney-general, for the use of the commonwealth; and every cask of flour, so fraudulently branded, or fraudulently shipped, or intended to be shipped, shall be seized and forfeited, one half to the commonwealth, and the other half to the inspector, or other person who will prosecute to conviction. 271

21. All the powers given by the original act, extended to the inspector and his deputies, for the purposes of this act. 271
22. Middlings for exportation, shall be packed in casks of good seasoned materials, of like dimensions and hooped, nailed and branded with the brand of the miller or bolter, and with the number of the cask, and weight of flour therein, as directed in the original act, and under the like penalties and forfeitures as are therein specified as to the flour called merchantable; and each cask shall be branded with the word "middlings," at length, before it shall be removed from the mill, or bolting house, where first packed;—and no merchant, or other person, shall lade or ship any such middlings for exportation, before the same shall be offered to the view and examination of the inspector, and be inspected, approved and adjudged to be of a due degree of fineness and quality to be exported as middlings; and the inspector, or his deputy, shall try, and search the same, and plug up the holes in the same manner, and receive the same fee, as directed for merchantable flour. 490
23. If the inspector, &c. shall adjudge and determine the same not to be of a due fineness and quality to be exported for middlings, he shall cause the word *middlings* to be scratched out and obliterated, and the person offering the same for sale or exportation, shall pay for the inspection, as if the same had been adjudged to be fit for exportation. 491
24. All the penalties, under any of the acts relative to superfine flour, casks, &c.—shall be construed to extend to similar offences, with respect to middlings, as fully and effectually, as if the word "middlings" was inserted with "flour" in the said acts, or as if the said regulations, fines, penalties and forfeitures were herein repeated. 491
24. Millers and bolters may pack any flour of wheat for exportation, in casks made of staves of the length of 23 inches, and of the diameter, at each head of twelve and an half inches, complying with all the directions of the other acts, as to casks No. 1, 2 and 3, and subject to the same regulations, fines, forfeitures and penalties, and branding the said smaller casks, No. 4, 98, (*supra*, No. 2.) 491
25. Whenever any flour of wheat, sold for exportation, shall be offered for inspection, the inspector, &c. shall view and measure each and every cask, and if found to vary from the legal dimensions, the person who shall have sold the same, shall forfeit and pay to the inspector one shilling and six pence for every deficient cask, to be recovered, &c. and appropriated as directed in the original act. 492
- (Vol. 3.) 26. The inspection of flour, in the western counties of this state, regulated—the governor to appoint an inspector of flour. 52
27. The inspector, &c. shall inspect all flour which shall be manufactured in any of the said counties, before the same shall be exported, and conveyed out of the state; and perform the like duties, and have and exercise the like powers and authorities, and conform to the like rules and regulations, except as to the stamp on the plugs, which shall be marked with the letters W. P. and subject to like

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- finer and penalties as prescribed with respect to the inspector of the port of Philadelphia. (Vol. 1, pa. 523, and *supra*, No. 2, to No. 13, inclusive.) 53
28. If an person shall export, or convey, any flour out of the state, from said counties, by means of the Ohio, or its waters, before the same shall be duly examined and inspected, he shall forfeit and pay for every cask so exported, five shillings, to be recovered, &c. 53
29. Fees of the inspector prescribed ;—and all millers and others engaged in the exportation of flour, shall conform to the like regulations, and be subject to the like fines, penalties and forfeitures as are prescribed in the said act, (vol. 1, pa. 523,) excepting only the rules prescribed, and penalties to be incurred under the 9th, 10th and 13th sections of said act, (*supra*, No. 3, 4, 7.) 53
30. All flour, or middlings, which shall be brought to any port or place, within this state, for sale, as and for the flour of wheat, which shall be found, on examination by the inspector, to contain a mixture of flour of Indian corn, with flour of wheat, shall be condemned, and the person offering the same for sale, shall be adjudged to pay three dollars for each cask so condemned ; one fourth to the use of the inspector, and three fourths to the use of the poor of the place where the owner resides, if in the state, and if out of the state, to the managers of the Pennsylvania hospital, for the use of that institution ; and the flour so condemned shall not be exported, under all the penalties and forfeitures provided by law against the exportation of flour condemned as not merchantable. 248
31. If the owner, possessor or consignee of any flour or middlings so condemned, shall believe himself aggrieved thereby, he may appeal from the decision of the inspector to any magistrate of the place where the forfeiture is made, who shall issue his warrant to three judicious, disinterested persons, one to be named by himself, one by the inspector, and the third by the appellant, directing them carefully to examine such flour, or middlings, and forthwith make report to him touching the mixture of the same ; and if they, or any two of them, shall report the same to contain a mixture of flour of Indian corn, he shall confirm the judgment of the inspector, and the appellant shall pay all costs and charges ; but if they shall report the same to be unmixcd, he shall adjudge the same to be restored to its original situation, and the costs and charges shall be paid by the inspector who condemned the same ; but such appeal must be prosecuted within twenty days after condemnation. 248
32. All penalties under this act, to be recovered as directed by the original act. (Vol. 1, pa. 523.) 249
33. All flour made of rye, or Indian corn, for exportation, shall be packed in casks made of good seasoned materials, of the like dimensions, and hooped and nailed, and branded with the brand of the miller or bolter, and with the number of the cask, and weight of flour therein, as directed by the original act, (vol. 1, pa. 523,) except as to the casks No. 1, and under the like penalties and forfeitures therein specified as to the flour called merchantable ;—and each cask shall have the tare, or weight of the cask marked on it, and be branded with the words “ Rye flour,” —or “ Kiln dried corn meal,” at length, as the contents may be, before it leaves the mill or bolting house where first packed. And no merchant, or other person, shall lade or ship any such meal for exportation, before it shall be inspected, and approved to be of a due degree of fineness, and of a quality fit to be exported as merchantable ; and the inspector shall try and search the same, and plug up the holes, and receive the same fees, as is directed concerning merchantable flour. 437-8
34. If the said flour or meal shall be condemned, the inspector shall cause the words “ Rye flour”—or “ Kiln dried corn meal,” to be scratched out and obliterated, and the person offering the same for sale or exportation, shall pay for inspection, the same as if it had been adjudged fit for exportation. 438
35. Millers and bolters may pack flour of rye or Indian corn in strong tight hogsheads well made of good seasoned white oak, (*infra*,

No. 39.) bound and tightened with sixteen good and sufficient hoops, to be well secured with not less than four nails in each chine hoop, and three wooden pegs at the upper edge of each upper bilge hoop; the staves to be of the length of forty-one inches, and the diameter of the head to be twenty-seven inches, and at the bung, or biige, thirty-one inches, to contain eight hundred pounds neat weight, having the tare or weight of the cask marked on it, and branded before it leaves the mill, &c. where packed, &c. with the addition of No. 1, 800. Such miller, &c. complying with all other directions as to the casks, No. 2, 3, and 4, and subject to like penalties, &c. and inspectors fee prescribed 438-9

36. Any miller or bolter ma . . . in addition to the words "Rye flour" brand each cask with the word "fine," before it leaves the mill and where first packed; and before it shall be shipped for exportation, it shall be inspected, as before directed; and if the inspector shall judge the same to be of sufficient fineness and quality, in all respects, to be exported as rye flour "fine," he shall plug up the holes as before directed; but if otherwise, he shall scratch out and obliterate the word "fine" from such brand mark; disputes to be settled as directed with respect to the quality of other flour. 439

37. The regulations, fines, penalties and forfeitures to be the same as in the other acts, as fully as if the words "Rye flour" and "Kiln dried corn meal" was inserted with flour therein, and the said regulations, &c. were herein repeated. 439

38. Fines, penalties and forfeitures to be recovered as debts of like amount, with costs, and applied as directed in the original act, (vol. 1, page 323.) 439-40

(Vol. 5.) 39. Millers and bolters may pack flour of rye or Indian corn in strong tight puncheons, made of good seasoned red oak, with pine or other heads suitable for molasses casks, of the same dimensions as the white oak casks, to contain eight hundred pounds neat weight—the second hoop from each chine to be of iron—and complying with all the other preceding regulations. 197

FORCIBLE ENTRY. } 1. Whosoever shall violently or forcibly enter into the house or possessions of any other person, being duly convicted thereof, shall be punished as a breaker of the peace, and make such satisfaction to the party grieved, as the circumstances of the fact will bear. 1
(Vol. 1.) (See vol. 3, pa. 356—vol. 5, pa. 173.)

FOREIGN ATTACHMENT. } See title "Attachment, Domestic and Foreign.")

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5. Persons evicted, by ejectment, how to be indemnified. 469
6. Judgments and executions against the estates of such traitors, declared void. 471

FORGERY, COUNTERFEITING. } 1. Whoever shall forge or deface any charters, gifts, grants, bonds, bills, wills, conveyances or contracts, or shall deface or falsify any enrolment, registry or record, shall forfeit double the value of the damage thereby sustained, one half whereof to go to the party wronged; and the person so offending, shall be discarded from all places of trust, and publicly disgraced, as a false person [in the pillory] or otherwise, at the discretion of the court before whom the cause shall be tried. 4
(Vol. 1.) 2. If any person shall be convicted of counterfeiting the hand or seal of another, with intent to defraud, such person shall suffer three months imprisonment at hard labour, and be fined treble the value he or she shall have defrauded, or attempted to have defrauded thereby, to the

use of the party wronged : and whosoever shall counterfeit the priy or broad seal of the province, being convicted thereof, shall suffer seven years imprisonment as aforesaid, and be fined at the discretion of the court, not exceeding one hundred pounds. . . . 49

3. If any person shall forge any entry of the acknowledgment of deeds, certificates or indorsements of the recorder, whereby the freehold, or inheritance of any man may be charged, he shall be liable to the penalties against forgers of false deeds, &c. . . . 95

4. If any person shall falsely forge and counterfeit any coin of gold or silver, which now is, or shall be passing, or in circulation, in this province, every such person, so offending, and being thereof legally convicted [shall suffer death] and every person who shall pay, or tender in payment, any such forged and counterfeited coin of gold, or silver, knowing the same to be forged and counterfeited, and be thereof legally convicted, in any court of record in this province, such person shall be sentenced [to the pillory, for one hour, and to have both his ears cut off and nailed to the pillory, and be publicly whipped, &c. and forfeit one hundred pounds, &c.] Act of 1767, (*infra*, No. 6.) 272.

(Vol. 2.) 5. Counterfeiting the bills of credit, issued under the act of 16th March, 1785, or forging the names of the signers, or uttering the said bills, knowing them to be counterfeited, or forged, was punishable with death, without benefit of clergy.—And altering the denomination of the bills, or uttering them, knowing them to be so altered, was punishable by pillory, cropping, and forfeiture of one hundred pounds, &c. . . . 289.

(Vol. 3.) 6. Now, by act of 22d April, 1794, every person convicted of having falsely forged and counterfeited any gold or silver coin, passing, or in circulation in this state, or of having falsely uttered, paid, or tendered in payment any such counterfeit and forged coin, knowing the same to be forged and counterfeit, or having aided, abetted, or commanded the perpetration of either of the said crimes;—or shall be concerned in printing, signing or passing any counterfeit notes of the banks of Pennsylvania, North America, or the United States, knowing them to be such, or altering any genuine notes of any of the said banks, shall be sentenced to undergo a confinement in the gaol and penitentiary house, for any time not less than four, nor more than fifteen years, and shall be kept, treated and dealt with as in this act directed; and also pay such fine as the court shall adjudge, not exceeding one thousand dollars. . . . 187-8

7. If any person shall knowingly publish, utter or make use of any forged or false receipt, or certificate, with intent to impose the same upon or to deceive any judge or inspector, at any election, such person shall incur a fine of fifty dollars, and suffer six month's imprisonment. . . . 350

(Vol. 4.) 8. Same penalty and punishment, as in No. 6, *supra*, with respect to the notes of the Philadelphia bank. . . . 156

(Vol. 5.) 9. And also, with respect to the notes of the Farmer's and Mechanic's bank. . . . 27

(See title "Brand marks.")

FORNICATION. (See title "Adultery and Fornication.")

FOUNDLING }
HOSPITAL } (See title "Hospital.")

FRAUDS. } 1. If any judge of election, inspector or clerk, shall be convicted of any
(Vol. 3.) } wilful fraud in discharge of the duties enjoined upon him, he shall
forfeit not less than one hundred, nor more than five hundred dollars,
and be for seven years disabled from holding any office of honour,
trust or profit in this commonwealth, and disabled, also, for the same
term, to elect, or give his vote at any general, or special election in
this state. . . . 351

(Vol. 5.) 2. If it shall appear, by due proof, on oath or affirmation, that there is
just cause to believe, that any judgment before a justice, was con-
fessed for the purpose, and with a view to defraud just creditors, the
justice shall transmit a certified transcript of his proceeding, to the
prothonotary of the proper county, who shall file the same for adju-

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 dication of the court of common pleas, whose judgment thereon shall be final; and if on trial of the merits of the cause, it shall be found that the sum for which the judgment was confessed, was not actually due at the time, both parties, if both shall have been privy to the fraud, shall each pay a fine equal to the amount of such fraudulent judgment, and also pay the reasonable costs and expenses of the party prosecuting; or, in case of inability to pay such fine and costs, shall be imprisoned for any time not exceeding six months—But if it shall appear on such trial, that the judgment was just, the party prosecuting shall pay all costs of suit, and the reasonable cost of the parties to such judgment. . . . 169

FRAUDS AND
 PERJURIES.
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1. For prevention of fraudulent practices, perjuries, and subornation of perjuries,—all leases, estates, interests of freehold, or term of years, or any uncertain interest, of, in or out of any messuages, manors, lands, tenements, or hereditaments, made or created by livery and seisin only, or by parol, and not put in writing, and signed by the parties so making or creating the same, or their agents thereunto lawfully authorized by writing, shall have the force and effect of leases at will only, and shall not, either in law or equity, be deemed or taken to have any other or greater force or effect, any consideration for making any such parol leases or estates, or any former law or usage to the contrary notwithstanding—except, all leases not exceeding the term of three years from the making thereof. . . . 389
2. No leases, estates, or interests, either of freehold, or terms of years, or any uncertain interest, of, in, to, or out of any messuages, manors, lands, tenements or hereditaments, shall be assigned, granted, or surrendered, unless by deed, or note in writing, signed by the party so assigning, granting or surrendering the same, or their agents, thereunto lawfully authorized by writing, or by act and operation of law . . . 390
3. Any judge or officer, of any court of record, that shall sign any judgments, shall, at the signing the same, without fee, set down the day of the month and year of his doing the same, upon the paper, book, record, docket, or record, which he shall sign; which day of the month and year shall be also entered upon the margin of the record where the said judgment shall be entered. . . . 390
4. Such judgments, as against *bona fide* purchasers, for valuable consideration, of lands, tenements or hereditaments, to be charged thereby, shall, in consideration of law, be judgments only from such time as they shall be so signed, and shall not relate to the first day of the term whereof they are entered, or the day of the return of the original, or filing of the bail. . . . 390
5. No writ of *feri facias*, or other writ of execution, shall bind the property of the goods of the person against whom the writ of execution is sued forth, but from the time that such writ shall be delivered to the sheriff, &c. to be executed; and for the better manifestation of the said time, the sheriff, &c. shall, upon the receipt of any such writ, (without fee) endorse on the back thereof, the day of the month and year, whereon he received the same. (See vol. 3, pa. 358-9.) . . . 390

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2. If there be judgment against him; or if he conceals himself, or refuses to give bail, &c. on demand, he may be arrested. . . . 166
3. Freeholders, arrested, may abate the writ, and have costs. . . . 166
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	4. Penalty on any tavern-keeper, public house keeper, keeper of a tippling house, or other retailer of wine, spirituous, or other strong drink, for inciting, promoting, or encouraging any such unlawful games, or permitting it in his house, &c.	180
	5. No billiard table, E. O. table, or other device, for the purpose of gaming for money, &c. shall be set up, kept or maintained, in any dwelling-house, out house, or place occupied by any tavern-keeper, &c. or retailer, &c. whether such person has a license, or keeps a tippling house, on pain of forfeiting such billiard table, E. O. table, or other device, and also the sum of twenty-six dollars, on conviction before a justice, or in the quarter sessions, or oyer and terminer.—And the judges of the several courts of quarter sessions, on application for a license to keep tavern, shall, if they see cause, inquire, by oath or affirmation of witnesses, or otherwise, whether such applicant keeps any such billiard table, &c. for gaming; and if it does not appear plainly to the judges that such applicant has no such device for gaming, in his house, &c. they shall not recommend him for a license; and no license issued to such person, shall be of any force or avail, but shall be void to all intents and purposes—an appeal allowed, &c.	181
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4. Gaolers shall receive and keep safely, prisoners committed under the authority of the United States; and to make out a calendar of such prisoners, yearly, &c.	514
5. No person, except the keeper, his deputies, servants or assistants—the inspectors—officers and ministers of justice—counsellors or attorneys at law, employed by a prisoner, ministers of the gospel, or persons producing a written license, signed by two of the inspectors, shall be permitted to enter where offenders are confined, (in the penitentiary of Philadelphia)—and the doors of all the lodging rooms and cells in the said gaol, shall be locked, and all lights therein extinguished, at the hour of nine, and one or more watchmen shall patrol the said gaol, at least twice in every hour, from that time, until the return of the time of labour in the morning of the next day.	536
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7. An infirmary shall be fitted up in the gaol, in case of sickness of the convicts; and regulations respecting the same, prescribed.	537
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9. The quarter sessions of any county, shall have power, either <i>ex officio</i> , or on information against any keeper, for partiality, or cruelty, to call him before them, together with the material witnesses, and inquire into his conduct; and if it shall appear that he has been guilty of gross partiality or cruelty, shall suspend or remove him; and any of the judges of the supreme court, when on the circuit, either on their own motion, or on complaint, may take original cognizance of the misbehaviour of any keeper, and remove him from office, if they see cause; and in case of suspension, or removal, the sheriff of the proper county, with the approbation of the quarter sessions, shall appoint another.	540
10. The keepers of gaols and work houses, shall, once in every three months, or oftener, if required, furnish the commissioners of their respective counties, with a complete calendar, or list, of all persons committed to their respective custody, under sentence of servitude, with the names of their crimes, the term of their servitude, in what court condemned, and the ages and descriptions of the persons of such as shall appear to be too old and infirm, or otherwise incapable to undergo hard labour out of the gaols or work houses, (<i>infra</i> , No. 13.)	540
11. The keepers of any gaols, or work houses, their deputies and assistants, in case any of the offenders shall escape from confinement, without their knowledge or consent, shall forfeit and pay ten pounds:—but this shall not extend to escapes voluntarily suffered, (<i>infra</i> , No. 13.)	541
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14. If any gaoler shall sell or suffer to be sold to the prisoners, or other persons, any spirituous liquors, or shall suffer any spirituous liquors, under any pretence whatever, except in cases of sickness, to be given to the said prisoners in any quantity or measure, he shall, on conviction, forfeit and pay fifty dollars for every such offence, and be removed from being keeper of such gaol or prison; and it shall be the duty of the court of the proper county to examine into the conduct of the gaoler in this respect, at each court of quarter sessions, and if necessary, to send for and examine witnesses in this behalf, (<i>supra</i> , No. 2)	394
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2. All indentures of such German passengers, men, women and children, by which they shall be bound to serve, and all assignments of servants made within the city of Philadelphia, shall be made and acknowledged before the said register, or his lawful deputy, and by him certified, and the full contents thereof registered in the same manner, and to the same effect, as servants' indentures, and assignments of servants were heretofore by law made and acknowledged before the mayor of the city, and by him registered, &c.—the fees to be as heretofore.	329

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II.

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| HABEAS
CORPUS.
(Vol. 2.) | } | 1. Any person committed, or detained for any criminal, or supposed criminal matter, unless for treason or felony, the species whereof is plainly and fully set forth in the warrant of commitment, in vacation, or out of term, or any person on his or her behalf, may appeal, or complain to any judge of the supreme court, or president of the court of common pleas of the county within which such person is detained, (<i>infra</i> , No. 17,) who, upon view of the copy of the warrant of commitment, or otherwise, on oath or affirmation legally made, that a copy was denied to the prisoner, on request in writing by such prisoner, or any in his or her behalf, attested and subscribed by two witnesses, present at the delivery of the same, shall award and grant an <i>habeas corpus</i> . | Page
275-6 |
| | | 2. And that no officer, sheriff, gaoler, keeper, or other person, to whom such writ shall be directed, may pretend ignorance of the import thereof, every such writ shall be made in this manner, "By act of assembly one thousand seven hundred and eighty-five," and shall be signed by the judge who awards the same. And when the writ shall be served, by any person, on the officer, &c. to whom it is directed, by being brought to him, or left with any of his deputies, at the gaol, or place where the prisoner is detained, he, or some of his deputies, shall within three days after service thereof, on payment, or tender of the charges of bringing the said prisoner, to be ascertained by the judge awarding the writ, and thereon endorsed, not exceeding twelve pence per mile, and on security given by his own bond, to pay the charges of carrying him back, if remanded, and not to escape by the way, make return of such writ, and bring, or cause to be brought, the prisoner before the judge, or if absent, before any other judge, and then, likewise, specifically and fully certify the true cause of commitment and detainer of the prisoner, and when he was committed ;—but if the distance be beyond twenty miles, and not above one hundred, then within ten days, and if beyond one hundred miles, then within twenty days : and the judge shall thereupon, within two days, discharge the prisoner, on his recognizance, with surety, at his discretion, regarding the circumstances of the prisoner, and nature of the offence, for his appearance at the next court, &c. as the case shall require, and then shall certify the said writ, with the return thereof, and the said recognizances into the said court ; unless it shall appear to the judge, that the prisoner is detained upon legal process, for an offence not bailable.—And that the judge may be enabled, by investigating the truth of the case, to determine whether the prisoner ought to be bailed, remanded, or discharged, the return may, before or after it is filed, by leave of the judge, be amended, and also suggestions made against it, that thereby material facts may be ascertained. | 276 |
| | | 3. In term time, the prisoner, in manner aforesaid, may move and obtain his <i>habeas corpus</i> , out of the supreme court, or common pleas of the county where he is imprisoned, whereupon proceedings shall be had as aforesaid. | 277 |
| | | 4. If any person shall be committed for treason, or felony, and shall not be indicted and tried some time in the next term of the court, where the offence is cognizable, after such commitment, the judges thereof are required, on the last day of the term, to set the prisoner at liberty, upon bail, unless it shall appear to them, on oath or affirmation, that the witnesses for the commonwealth, mentioning their names, could not then be produced ;—and if such prisoner shall not be indicted and tried during the second term, after his commitment, unless the delay happen on the application, or with the assent of the defendant, or upon trial shall be acquitted, he shall be discharged from imprisonment. | 277 |

5. But this act shall not extend to discharge out of prison any person guilty of, or charged with treason, felony, or other high misdemeanor, in any other state, and who, by the confederation ought to be delivered up to the executive power of such state, nor any person guilty of, or charged with the violation of the laws of nations. 277
6. Nor to discharge out of prison any person charged with debt, or other action, or with process in any civil cause, but that after discharge for such criminal, or supposed criminal matter, he or she shall be kept in custody, according to law, for such other suit. 277
7. No person shall be removed by *habeas corpus*, under this act, within fifteen days next preceding the term, where the offence with which he stands charged, is properly recognizable, but upon such *habeas corpus* shall be brought before the judges of such court, who shall do thereupon what to justice shall appertain; but after such court, the person detained may have his or her writ, according to this act. 277
8. Any judge refusing or neglecting to award a writ of *habeas corpus*, according to this act, shall forfeit to the prisoner, or party grieved, three hundred pounds, to be recovered by action of debt, &c. 278
9. Any officer, sheriff, or other person, to whom such writ is directed, refusing or neglecting to make the returns as aforesaid, or to bring the prisoner, according to the command of the writ, &c. shall be guilty of a contempt of the court, under the seal of which the writ issues, and for the first offence shall forfeit to the prisoner, or party grieved, one hundred pounds, and for the second offence two hundred pounds, and shall be incapable to hold or execute his said office. The forfeitures to be recovered by action of debt, &c. as aforesaid. 278
10. If any officer, &c. to whom such writ shall be directed, on demand by the prisoner, or some person in his behalf, shall refuse to deliver, or within six hours after demand, shall not deliver, to the prisoner, or person so demanding, a true copy of the warrant of commitment, and detainer of such prisoner, shall forfeit, as in the preceding section, No. 9. 278
11. No person delivered upon a *habeas corpus*, shall at any time thereafter, be again committed for the same offence, by any person, other than by the legal order and process of the court, in which he shall be bound by recognizance to appear, or other court having jurisdiction of the cause; and if any person, knowingly, re-commit, or procure such prisoner so delivered, to be re-committed for the same offence, or supposed offence, or be aiding or assisting therein, he shall forfeit to the prisoner, or party grieved, any pretence of variation in the warrant of commitment, notwithstanding, five hundred pounds, to be recovered as aforesaid. 278-9
12. Any person committed to prison, or in custody of any officer, sheriff, &c. for any criminal, or supposed criminal matter, shall not be removed from the said prison or custody, into any other prison or custody, unless it be by *habeas corpus*, or some other legal writ, or where the prisoner is delivered to the constable, or other inferior officer, to be carried to some common gaol, or where any person is sent by any judge or justice, to some common work-house, or where the prisoner is removed from one place to another, within the same county, in order to his or her trial, in due course of law, or in case of sudden fire or infection, or other necessity; and if any person shall, after such commitment, make out, sign, countersign and issue, any warrant, for such removal, except as before excepted, he shall forfeit to the prisoner, or party grieved, two hundred pounds, to be recovered as aforesaid. 279
13. All the preceding provisions in case of commitment for criminal, or supposed criminal offences, shall, in like manner, extend to all cases, where any person, not being committed or detained for any criminal, or supposed criminal offence, shall be confined, or restrained of his or her liberty, under any colour or pretence whatsoever; and upon oath or affirmation made by such person, or any other in his or her behalf, of any actual confinement or restraint, and that the same, to the best of the knowledge and belief of the person so applying, is not by virtue of any commitment or detainer for any criminal, or supposed criminal

offence, a *habeas corpus*, directed to the person so confining or restraining, shall be awarded, in the same manner, and under the same penalties, &c. as before directed; and the court or judge before whom the party shall be brought, shall, after return made, proceed as before prescribed, to examine into the facts relating to the case, and into the cause of such confinement or restraint, and bail, remand or discharge, as to justice shall appertain. . . . 279-80

14. Such *habeas corpus* shall be served upon the person so confining or restraining the party, by being brought to such person, or left at the place where the party shall be confined—and such person shall make return of such writ, and bring the body, or cause it to be brought, according to the command thereof, within the respective times limited, and under the provisions before prescribed, and upon refusal or neglect, shall be guilty of a contempt of the court, under the seal of which the writ issued, and also forfeit to the party grieved, for the first offence one hundred pounds, and for the second offence two hundred pounds, to be recovered as aforesaid. . . . 280

15. Penalties to be sued for within two years, unless the party grieved be in prison, then within two years after decease or enlargement. . . . 280

16 In any suit under this act, the defendant may plead the general issue, and give the special matter in evidence. . . . 280

(Vol. 3.) 17. The president and associate judges of the common pleas, severally, shall have the power to issue writs of *habeas corpus*, in vacation, and give relief thereupon, in the manner, and as fully, as the presidents of the common pleas, under the *habeas corpus* act, (*supra*, No. 1) . . . 30

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HAWKERS & } 1. No person whatever shall follow the business of a hawker, pedlar, or
PEDLARS. } petty chapman, within this state, without a recommendation from the
(Vol. 2.) } court of the county where he dwells, certifying their opinion of his hon-
esty, and that he intends to travel with horse, or on foot, and shall have
thereupon obtained a license from the executive, and given bond and
surety for good behaviour during the continuance of the license, which
shall be one whole year—five pounds to be paid to government for a li-
cense to travel with a horse, and forty five shillings for license to travel
on foot. . . . 95

2. Any person not qualified as aforesaid, who shall be found hawking, ped-
ling, or travelling from place to place, through any part of this state, to
sell goods, or who shall expose to sale any foreign goods, wares or mer-

chandizes, in any of the open streets of the city and suburbs of Philadelphia, or any of the county towns of this state, shall forfeit ten pounds, &c. 99

3. Regulations respecting the selling of goods in markets and fairs, &c.—and penalty on a pedlar refusing to shew his license on demand, &c. 99 100

4. Penalty on hawking meat, poultry, &c. in Philadelphia. 480

(Vol. 3.) 5. No person shall be licensed as a hawker, pedlar, or petty chapman, but a citizen of the United States, and who from age, loss of limb, or other bodily infirmity, shall be disabled from procuring a livelihood by labour, such disability to be proved by a physician of a respectable character. 359

6. If any person not licensed shall be found hawking, &c. to sell or expose for sale any foreign goods, &c. he shall be liable to a fine of fifty dollars; and twenty dollars for refusing to shew his license; and for lending, or disposing of his license to another, fifty dollars each. 360

7. No licensed pedlar shall sell any foreign goods, &c. in any private or public house, or open street or other part of Philadelphia, Northern Liberties, Moyamensing or Passyunk, or any corporate or county town, under the penalty of fifty dollars. 360

HEADING. (See title "Staves and Heading," and vol. 1, pa. 222, 277—vol. 2, pa. 528—vol. 3, pa. 268, 314—vol. 5, pa. 147.)

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3. The board of health authorized to sell the lazaretto on state island, and the ground occupied therewith, and appropriate the proceeds to the completion of the new one erecting on Tinicum island. 457

4. Regulations of the health laws, with respect to vessels stopping at any port in the state of Delaware. 464, 482

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5. The board of health established, and incorporated by that name—the governor annually to appoint five persons to constitute the board, three in the city, one in Northern Liberties, and one in Southwark, &c.—not more than two of them to be physicians—and shall supply vacancies—the board to chuse a president out of their own body, and a treasurer and secretary, whose duties are prescribed—the members of the board to receive each, five hundred dollars annually; ordinary and special meetings regulated—three members to constitute a board, but fewer may adjourn: they may make rules, orders and regulations for the government of the lazaretto, and the vessels, cargoes and persons there detained, or under quarantine, and of the health office and public hospitals, and for the mode of visiting and examining vessels, persons, goods and houses, and may appoint other necessary officers and servants, &c. (and as to appointments of officers, &c. see vol. 5, pa. 371.) 503

6. The governor shall appoint one physician, who shall reside at the lazaretto, and be called the lazaretto physician; and one who shall reside in Philadelphia, and shall be called the port physician;—one health officer, and one quarantine master, all of whom shall be under the direction and control of the board of health, and may be removed from office by the governor, at the request of the majority of the members of the board of health;—and certain privileges allowed to the lazaretto physician and quarantine master; and compensation prescribed. (And as to fees, see vol. 5, pa. 371-2.) 304

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- spect to the health of the crew, &c. for which purpose they may propose questions to any person on board, on oath, &c.—If the vessel be healthy, &c. they shall give certificates of health, which shall be presented by the captains at the health office within twenty four hours after their arrival. . . . 305
9. If the vessel, &c. be unhealthy, &c. it shall be detained at the lazaretto for a limited time ; the vessel and cargo to be cleansed, and baggage aired and purified : certain specified articles, by permission of the board of health, may be conveyed in lighters to Philadelphia—and the vessel may, after performing quarantine, proceed to the city, but may be liable to further detention as the board of health may deem necessary, &c. But such vessels, after being cleansed, and no malignant disease appearing on board, may take in freight at the lazaretto, by lighters, and proceed to sea, &c. 306
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or the United States of America, by joining their armies, or by enlisting, or procuring or persuading others to enlist for that purpose, or by furnishing such enemies with arms or ammunition, provision, or any other article or articles, for their aid or comfort; or by carrying on a traitorous correspondence with them; or shall form, or be any wise concerned in forming any combination, plot or conspiracy, for betraying this state, or the United States, into the hands or power of any foreign enemy; or shall give or send any intelligence to the enemies of this state for that purpose, on conviction, by the evidence of two sufficient witnesses, shall be adjudged guilty of high treason, [and shall suffer death and forfeit his estate, (*infra*, No. 6.) 435-6

- (Vol. 2.) 3. If any person shall erect or form, or endeavour to erect or form, any new and independent government within the boundaries of this commonwealth, as described in the charter, and settled between this state and Virginia; or if any person shall set up any notice, written or printed, calling or requesting the people to meet together for the design or purpose of forming a new and independent government as aforesaid, and all others who shall assemble themselves for that purpose, in consequence of such notice;—or if any person, at any meeting of the people convened for the purpose aforesaid, or for any other purpose, shall maliciously, and advisedly, recommend or desire them to erect or form any new government in any part of this state, independent of the present, or shall read to them any new form of a constitution, with design to induce them to adopt the same as a new and independent constitution, and be thereof convicted, shall be adjudged guilty of high treason—Not to extend to the dispute subsisting between Pennsylvania and Connecticut, respecting their boundaries or jurisdiction: [to be tried in any county of the state, and to be punished with death, and forfeiture of estate, (*infra*, No. 5.) 61

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6. Rates of tavern licences. (See pa. 503-4.) 74
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7. The justices of the peace, at their sessions, and the mayor, recorder, and aldermen of the city, four times a year, shall set such reasonable prices on liquors retailed in public houses, and provender for horses in public stables; as they shall see fit, &c. and penalty on innkeepers, &c. demanding higher prices. 104

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11. If any public house-keeper, or retailer of liquors, shall receive, harbour, entertain, or trust, any minor, under the age of twenty-one years, or any servant, knowing them to be such, or after having been warned to the contrary, by the parent, guardian, master, or mistress, of such minor or servant, in the presence of one or more credible witness or witnesses, he shall, on conviction for the first or second offence, forfeit and pay twenty shillings, over and above the forfeiture of the debt—and for the third offence, the license shall be null and void, and he shall forfeit and pay five pounds, and be forever incapable of keeping a public house, or inn. 127-8
12. No person shall presume, by any means, to furnish, supply or sell, to any negro servants, any rum, brandy, spirits, or any other strong liquors whatsoever, mixed, or unmixed, either within, or without doors, or shall receive, harbour, or entertain any negro servant, in or about his house, without special license had and obtained, under the hand of the master or mistress of such servant, under the penalty, for the first offence of twenty shillings, and for the second offence, thirty shillings, &c. 128
13. If any public house-keeper, shall trust, or credit any person, for liquors, retailed, or other expenses, above twenty shillings; or shall presume to sue any such person, or shall arrest or attach any servant, for any debt contracted for liquors or accommodations, knowing such person to be a servant, and after he has been cautioned not to entertain such servant, such actions and suits shall abate; and the person sued, and the master and mistress, on behalf of such servant, or the servant himself, may plead this act in bar, and the plaintiff shall be non-suit, and pay double charges. 128
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whatsoever, either at cards, dice, billiards, bowls, shuffle board, or any game, device, or manner, to be practised, played or carried on, within his or her dwelling house, out-house, shed, or place in his, or her occupancy, every such tavern keeper, &c. being thereof convicted, shall forfeit and pay for every such offence, the sum of fourteen dollars ;—and if he be a licensed tavern keeper, or retailer, his license shall be null and void, and he shall be incapable of being licensed again for one year ; and on conviction for a second offence, he shall forfeit and pay twenty eight dollars, and be forever incapable of being licensed as a tavern keeper in this state. An appeal allowed to the sessions, whose decision shall be final and conclusive.

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17. The judges of the several courts of quarter sessions, upon application to them for license to keep a tavern, or other public house, shall, if they see cause, enquire by the oath or affirmation of witnesses, or otherwise, whether such applicant do keep any billiard table, E. O. table, or other device for gaming, within his or her dwelling house, out house, or other place within such person's occupancy ; and if it does not appear plainly to the judges, that such person so applying hath no such device for gaming in his or her possession as aforesaid, they shall not recommend such person for a license. And no license issued to any person, who shall possess as aforesaid, any such billiard table, E. O. table, or other device for gaming, shall be of any force or avail, but the same shall be void to all intents and purposes.—Similar appeal from the summary conviction, for keeping a billiard table, &c. to the sessions.

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- (Vol. 4.) 18. Livery stable keepers, and innkeepers shall have a lien upon any and every horse delivered to them to be kept in their stables, for the expense of the keeping ; and if the owner, or person delivering them, shall not pay and discharge the said expense, provided it amount to thirty dollars, within fifteen days after demand made of him personally, or in case of his removal from the place where the livery stable, or inn, is kept, within ten days after notice of the amount due, and demand of payment in writing left at his last place of abode, the livery stable keeper, or innkeeper, may cause the horse or horses to be sold at public sale according to law, and after deducting debt, and costs of sale, the residue shall be delivered, on demand, to such person, or his agent, &c. The right of action for the expense of such keeping, also reserved to the keeper, &c.

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- (Vol. 5.) 19. The secretary of the commonwealth shall sign the blanks issued by him for tavern licenses, and cause to be marked thereon, the county and term for which they are issued, and make report quarterly to the auditor-general, of the number issued, designating the county and term for which they were issued ; and the clerks of the several courts, in which applications are made for tavern licenses, shall receive forty cents, and no more, from any person, for reading a petition or application for a license, and seventy-five cents and no more, for issuing every recommendation for the same.

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20. The county treasurer, on receiving the blank licenses, shall deliver them to the persons recommended by the court, on their application and payment therefor, and report quarterly to the judges of the court, the names of the persons who have not paid for, and taken out their licenses ; whereupon the judges shall direct indictments to be preferred against such delinquents for keeping tippling houses, if it appear they sold spirituous liquors by the small measure, after they were recommended by the court ; and the judges shall not recommend any person for a license, who has not paid the price of his preceding year's license ; and all county treasurers, neglecting to make report of those who do not pay for and take out their licenses, shall be deprived of one half of their commission or license money, on the settlement of their accounts.

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TION.

(Vol. 1.)

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INSOLVENT DEBTOR.

(Vol. 1.)

1. Any person, charged in execution, for any debt, not exceeding one hundred pounds, willing to deliver up his effects to his creditors, may exhibit his petition to the court from whence the process issued, certifying the cause of his imprisonment, and an account of his real and personal estate, with the dates of the securities, wherein any part of it consists, and the deeds or notes relating thereto, and names of the witnesses to the same; and the court, thereupon, shall order the creditors to be summoned to appear at a day to be appointed for that purpose; and on *affidavit* of service on such as neglect to appear, or that they cannot be found, they shall proceed in a summary way to examine the petition and allegations, on either side, and administer the oath, (prescribed.) . . . 181

2. On taking the oath, if the creditors are satisfied of the truth thereof, the court shall order the debtor to assign his effects to his creditors; which assignment shall vest the property in the persons to whom it shall be made; and no subsequent release by the debtor, shall be a bar; and on such assignment being made, the debtor shall be discharged. . . . 182-3

3. The assignees shall pay the gaol fees, and divide the effects in proportion among the creditors. . . . 183

4. But if the creditors shall not be satisfied with the truth of the oath, and shall desire further time to be informed of the matters contained therein, the court shall remand the debtor, and direct him, and the persons dissatisfied, to appear at another day, to be appointed by the court, within the next term; and if at such day the dissatisfied persons neglect to appear, or if they appear, and shall be unable to discover any estate or effects of the debtor, omitted in his petition, or to shew any probability of his having been forsworn, the court shall immediately discharge him on his assignment as aforesaid [unless the creditors insist on his being remanded, and agree in writing to pay him a weekly allowance, &c.] But if the prisoner refuse to take the oath, or be detected of falsity therein, he shall be presently remanded, (*infra*, No. 20—24.) . . . 183

5. No person discharged by this act, shall be afterwards imprisoned for any debt, &c. due before his discharge, but upon every arrest for such debt, &c. the court, on shewing the duplicate of such discharge, shall release him out of custody, on his giving a warrant of attorney, to appear, and plead to every such action. . . . 183-4

6. But such discharge shall not acquit any other person from such debt, or any part thereof, but all others shall be answerable for the same, as before the passing of this act. . . . 184

7. Nor shall it extend to discharge any person out of prison, who shall stand charged at the suit of the crown only. . . . 184

8. And notwithstanding such discharge, every debt owing from the prisoner, and every judgment obtained against him, shall stand good and effectual against lands, goods, &c. which he, or any other in trust for him, had at the time of such discharge, or at any time after, or which he may be any ways intitled to, or interested in, in law or equity, except his wearing apparel, &c. and the creditors may take out a new execution for the same, &c. . . . 184

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9. If debtor be convicted of perjury, in his oath, he shall suffer the punishment, &c. and may be taken in execution for the debt, by process, <i>de novo</i> , as if he had not been discharged, and shall never afterwards have the benefit of the act.	184
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14. How prisoners, confined for debts under forty shillings, may be discharged by two justices.	185
15. Where trustees of insolvent debtors neglect or refuse to execute their trust, the court, on application of any creditor, by petition, setting forth the circumstances of the case, and on proof made of the assignment, the acceptance, and the undertaking, or entering on the execution thereof by the trustees, or any of them, and their neglect or refusal to execute the same, and every part thereof, shall appoint three or more commissioners, to audit, settle, and finally adjust the accounts of the trustees, &c. as well as the debt and demand of the petitioner, and all the other creditors of the insolvent, and to settle and finally determine the shares and proportions to which they are intitled, of insolvent's estate, in the hands or possession, or which ought to be in the hands or possession, of the trustees, upon a true and faithful execution of their trust; and report their proceedings to the court, &c. and to have a reasonable allowance out of the estate.	415
16. The commissioners are empowered to compel the trustees to exhibit just and true accounts, &c. and to call before them, and examine on oath, &c. such persons as they shall think proper, touching the same, as well as concerning any debts or demands which shall be claimed or made by any creditor of the insolvent; and if such trustee, &c. shall neglect or refuse to appear, or to exhibit his account as aforesaid; or if any witnesses shall refuse or neglect to appear, or to be examined as aforesaid, the commissioners may cause them to be apprehended by their warrant, directed to the sheriff of the proper county, and commit them to the common gaol, there to remain, without bail or mainprize, until they shall comply with the directions of this act.	415
17. The trustees feeling themselves aggrieved, may petition to be reheard by the court, who shall hear and determine the same according to law and justice, and order accordingly.	416
(<i>Id.</i> 2.) 18. Persons committed, and held in confinement for the restoration of stolen goods, or for the payment of the value thereof, or for monies allowed by the court for loss of time, and charges and disbursements of the owner, in apprehending and prosecuting such offenders, may be discharged from personal imprisonment, by the court committing such offenders, so far as regards confinement for such causes, if the court, on consideration, shall find they cannot make such restitution or payment, but reasonable previous notice shall be given by such offenders, to the owners aforesaid, respectively, or their agent, &c. (<i>infra</i> , No. 25.)	396
19. Debtors charged in execution for rent, shall be entitled to the benefit of the insolvent laws, in like manner as debtors charged in execution for other debts; but the landlords' remedy by distress, &c. not to be affected, (<i>supra</i> , No. 12.)	396
20. It shall not be lawful to remand to gaol, any debtor, intitled to the benefit of the insolvent laws, although the creditors desire the same to be done, and offer to comply with the security, weekly payments, and other requisites of the laws now in force, for such purpose made, (<i>supra</i> , No. 4.) except in a case of a strong presumption of fraud committed by the insolvent person applying, and required by his creditors to be remanded, (<i>infra</i> , No. 24)	397

21. Relief extended to insolvent debtors who have not resided in this state two years, as against the plaintiff, on whose suit he is imprisoned [and where his debts do not exceed one hundred pounds in the whole, *infra*, No. 30, 31.] 432-3
22. Every person confined in gaol, in execution, or otherwise, for any debt, or sum of money, fine, or forfeiture, none of which shall exceed five pounds, exclusive of costs, and who shall have remained so confined for the space of thirty days, shall be discharged from such confinement, and not be liable to be again imprisoned for the same; and the sheriff, or gaoler, on application to him by the person so confined, shall discharge him out of custody, if detained for such debt, fine or forfeiture, only, and for no other cause 493
23. If, on hearing the petition of any insolvent debtor, praying relief, &c.—and application on the part of the creditors of such debtor, it shall appear to the court to be reasonable and expedient, to allow further time for such creditors to make enquiry relative to the estate and effects of such debtor, the court may remand the debtor for such time as, in their discretion, shall be thought sufficient for such inquiry. 522
24. Where any debtor shall be remanded to gaol, by reason of a strong presumption of fraud, the court may discharge such person from imprisonment, as provided by the insolvent laws, in such reasonable time after having been so remanded, as the court, having regard to the misconduct of the party, shall, in their discretion, think expedient; but no such person shall be discharged, until he shall have been in actual confinement twelve calendar months from the time of being so remanded, (*supra*, No. 4, 20.) 522
 (Bankrupt, not having a certificate, may be discharged after twelve months actual confinement, &c.—obsolete) 522
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28. Where, at the time of any debtor's application for the benefit of the insolvent laws, there shall be any action depending in any court in this state, or judgments obtained against such debtor, at the suit of any persons, not inhabitants of this state, the court may order the discharge of such deb or from imprisonment, as to the debt or debts demanded in such action or judgments, on due notice being given to the attorney at law for the plaintiffs in said actions, or to the attorney in fact, or known agent of the plaintiff, although the creditor or creditors may not have been personally served with any such notices. 523
- (Vol. 3.) 29. Every person, held in confinement, by the judgment of any court, for the costs of prosecution, shall be entitled to the benefit of the insolvent laws, and may be discharged from personal imprisonment by the court in which the prosecution was had, so far as regards confinement of their bodies for said costs, if the court shall on consideration of the circum-

stances of such person, find him unable to pay the said costs of prosecution ; but the usual notice to be given to the persons interested in such costs. 43

30. On petition of any person confined in gaol, for six months or more, next preceding the time of preferring his petition, and who shall not have resided in this state two years before his imprisonment, and who shall not be proceeded against as a bankrupt, the court shall enquire by all lawful means, whether the petitioner is so arrested and confined by adversary process, and without any collusion with the plaintiff, for the purpose of obtaining the benefit of this act ; and if it shall appear to the satisfaction of the court, that the defendant has been arrested, and is actually confined, for debts which he is unable to pay, and is detained without his consent or procurement, and against his will, and that he has in the schedule annexed to his petition, made a full disclosure of all his estate, the court may proceed thereon, and remand or discharge, as in other cases of insolvent debtors, and the petitioner shall be intitled, &c. as if he had resided in this state two years next before his imprisonment, &c. 61

31. All persons in actual confinement, in actions founded upon contract, for the space of thirty days next preceding the time of preferring their petition, shall, if otherwise intitled thereto, receive the benefit of the insolvent laws, although not charged in execution. 62

32. The court may discharge from imprisonment all persons imprisoned for debts or demands, though they exceed one hundred and fifty pounds to any one creditor, and grant relief in the same manner as directed by the insolvent laws. 125

33. Ten days notice of the time of hearing the debtor, sufficient in the supreme court. 126

(Vol. 4) 34. Where any person confined for debt, shall assign his property for the benefit of his creditors, the fees and charges of maintenance, due to the gaoler, at the time of the discharge of the debtor, (being approved by the court,) shall have the priority, &c. and be paid out of the property assigned, previous to any distribution of the same, (*supra*, No. 10.) 404

35. The several courts of common pleas, at their first term in every year, shall fix and order a daily allowance, for all such poor and insolvent debtors as shall be confined during the year, and have not property to support themselves ; and the plaintiff, at whose suit any debtor may be confined, his agent or attorney, on notice to him or them by the gaoler, shall pay the said daily allowance at the prison, every Monday morning, while the debtor continues in prison ; on failure whereof, for the space of three days, the debtor may apply to the court, if sitting, or, if not, to a judge thereof, who, upon inquiry, and finding the debtor to be destitute of property for his support in prison, and failure of payment to have been made as aforesaid, shall forthwith discharge the said debtor from his imprisonment ; but such daily allowance shall not exceed fourteen cents. 404 5

(Vol. 5) 36. Act for the relief of insolvent debtors, residing in the city and county of Philadelphia, and their creditors —Commissioners to be appointed, who shall take and subscribe an oath for the faithful performance of the duties enjoined on them, which shall be filed in the prothonotary's office of the supreme court, of the eastern district. 319

37. Any citizen of this state, having resided in the city or county two years next preceding the time of presenting his petition, apprehending himself to be insolvent, may petition the commissioners to be permitted to assign his estate for the benefit of his creditors, and be discharged by virtue of this act. 319

38. The commissioners shall thereupon appoint three curators, to whom the estate shall be forthwith assigned, and who shall take possession thereof, and exercise complete controul over the same, in trust

for the creditors, until assignees shall have been appointed ; and the curators shall immediately give notice of their appointment, in three or more public news-papers, in the city. . 319

39. The curators shall allow the petitioner the use of his house, and such of the household furniture as shall be necessary for his comfort, and allow him such weekly sum out of the effects, as may be necessary for the support of himself and family, as the case may be. 319
40. The commissioners, on possession being taken of the estate, as aforesaid, shall grant to the petitioner, under their hands and seals, a provisional discharge, which shall protect him from all arrests, in civil cases, either on mesne, or final process, until his case shall be finally heard and determined by the commissioners, who shall forthwith appoint a time and place, not less than twenty days after the date of the provisional assignment, for hearing the petitioner and his creditors ; and shall direct the curators to give notice thereof in three or more newspapers ; and the petitioner to give at least fifteen days written or printed notice, to at least two thirds of his creditors, in number and amount, in the said city and county. 320
41. On the day and time of hearing the petitioner, notice being proved, as aforesaid, shall exhibit a true account or list of his creditors, and the monies due to them respectively, and an inventory and account of all his estate, and of all his interest, either present, or contingent, in any thing of value, and of all books, vouchers and securities, relating to the same, and every part thereof ; and shall take an oath, or affirmation (prescribed) to be administered to him by one of the commissioners. . 320
42. The commissioners shall, thereupon, assign to three reputable persons, to be nominated by the creditors, and agents of creditors, or a majority in number and amount then present, who shall be assignees, with full power to seize, take, hold, possess, manage and distribute the estate of the petitioner, in the hands of the curators, or elsewhere, except such household furniture, and wearing apparel, necessary to the comfort of the petitioner and his family, as may be approved by the commissioners, not exceeding in the whole, three hundred dollars, the necessary tools, or implements of his trade, and his militia arms and accoutrements. . 320
43. And the curators shall forthwith deliver over to, and account for, with the said assignees, all the petitioner's estate, money, and effects, that may have come to their hands, deducting any sum that may have been by them reasonably allowed and expended in the execution of their trust, and also such compensation for their trouble, as to the commissioners may seem just and reasonable ; and immediately after the appointment of the said assignees, the powers and functions of the curators shall cease and determine ; but all their legal acts, done before the appointment of the said assignees, shall be valid and binding on said assignees. . 320
44. If any creditor, or creditors, &c. shall appear to oppose the petitioner, or to examine into the state of his affairs, he or they may proceed to ask such questions of the petitioner, or any other person, on oath, &c. as may tend to disclose the real situation of the petitioner's affairs, and to ascertain whether he be fairly intitled to the benefit of this act ; and if the said creditors, &c. or any of the commissioners, shall not be fully satisfied after such examination, they shall appoint a time and place for a second examination, having regard, in fixing said time, to the nature of the case, and to the facility or difficulty of obtaining testimony ; but never less than ten, nor more than sixty days, from the time of the first examination. . 321
45. On the application of any creditor, or of the petitioner, the commissioners may summon any person to give testimony before them, at such time and place as shall be mentioned in the summons ; and on neglect or refusal to attend, and *affidavit* of service, they may issue a warrant, directed to the sheriff, to apprehend such person, and bring him before the commissioners, at the time and place

- therein mentioned, to answer such questions as may be asked of him touching the affairs of the petitioner: and if such person shall appear, and refuse to answer, &c. the commissioners, by warrant, under their hands and seals, specifying the cause of commitment, shall commit him to prison, there to remain, until he shall answer, or shall be otherwise discharged according to law. . . . 321
46. If on the second examination, it shall appear to the satisfaction of the commissioners—1. That petitioner has not concealed any part of his property, or conveyed any part in trust to defeat, or defraud his creditors—2. That he has not, since passing this act, made any partial or conditional assignment or conveyance in contemplation of insolvency, to secure any one, or more of his creditors, to the exclusion, or in preference, and to the damage of his other creditors—3. Nor aided, assisted or abetted any one of his creditors, in procuring any mortgage, judgment, or any lien upon his estate, with intent to prefer any such creditor, to the damage of his other creditors—4. Nor made any fraudulent payment, in contemplation of insolvency, with intent to prefer any creditor, or creditors, to the damage of his other creditors—5. Nor, in contemplation of insolvency, made any fraudulent purchase, or fraudulently borrowed any sum of money, with intent to defraud the party, of whom such purchase may have been made, or such money may have been borrowed—6. Nor been guilty of any fraudulent conduct, either by keeping false books or otherwise—then they shall give him a certificate of conformity and discharge, under this act; which shall be filed with the prothonotary of the eastern district of the supreme court, who shall give a transcript thereof, under his hand, and seal of the court, which certificate, or transcript shall operate as a discharge from imprisonment, and be conclusive evidence in all courts of this state, of the fact thereof, and an exoneration from all debts due at its date, &c. . . . 321-2
47. But if, on such second examination, it shall appear that the petitioner has done or committed, or been guilty of any of the acts or things enumerated under the said six specifications, then the commissioners shall proceed to assign to three persons as aforesaid, and the functions of the curators shall cease as aforesaid; but the commissioners shall not grant any certificate; and if there appear strong ground to suspect fraud or perjury, the commissioners shall bind over, on recognizance, with sureties, or, if no sureties can be found, commit, the petitioner, by warrant under their hands and seals, to answer to the next quarter sessions of Philadelphia, for such fraud or perjury; or application may be made to any alderman, justice or judge, to bind over, or commit such person, in the usual manner. . . . 322-3
48. If none of the creditors, or their agents attend at the first hearing on proof of service of the notices, the commissioners shall examine the petitioner, &c. and, if satisfied that he has not done or committed, or been guilty of any of the acts or things enumerated in the said six specifications, they shall appoint assignees as aforesaid. 323
49. So, if he has been guilty, &c. they shall in like manner appoint assignees, &c. and proceed as in No. 47, *supra*. . . . 323
50. Or, if the creditors, &c. appear, and are satisfied with the first examination, and shall not request a second, the commissioners shall proceed to appoint assignees, as directed, (*supra*, No. 42, &c. and the functions of the curators shall cease. . . . 323
51. If on suit brought, within six years after the date of the certificate, on the trial, it shall be found, that the petitioner, before the date of the certificate, had done, committed, or been guilty of any of the acts or things enumerated in the said six specifications, or has, since presenting his petition, received and retained any debt due to him before the certificate shall be deemed to have been fraudulent from the date of such judgment, and from thenceforth shall be utterly void and of no effect; and the act of limitations, as to personal contracts, shall not be construed to have run during the time the petitioner was protected by such fraudulent certificate; and

the judges at plaintiff's request, shall certify, that the facts found by the jury were sufficient to avoid the petitioner's certificate, which shall be filed in the prothonotary's office where the insolvent's certificate is recorded, and the prothonotary shall enter on the margin of the record, the words "fraudulent and void."

324

52. Any creditor shall have a right to require the commissioners to reduce to writing any questions put to the petitioner, on his examination, and his answers thereto, which shall be signed by the petitioner, and certified by the commissioners under their hands and seals, and the same, with all other documents, except such as it may be necessary to deliver to the assignees, or other persons interested in the same, together with a true account of all the proceedings, shall, immediately after their final decision, be deposited by the commissioners, with the said prothonotary, there to remain of record.

324

53. The petitioner may appeal to the supreme court of the eastern district, from the decision of the commissioners, refusing to grant a certificate; and the said court, on motion (notice being proved to be given thereof to the commissioners) shall appoint three arbitrators, to examine and report whether the petitioner is justly intitled to a certificate, who shall have the same powers in all respects as are given to the commissioners; and on their report, the court, if they approve thereof, shall order and adjudge the certificate to be allowed, or the appeal dismissed, agreeably to said report.—But the certificate so obtained shall nevertheless be subject to the provisions of No. 51, *supra*.

324.5

54. The acts of a majority of the commissioners, curators, arbitrators, or assignees, shall be in all cases valid and binding; vacancies in any of them shall be supplied in the manner the original appointment or nomination was made. The commissioners may be removed, on complaint of misbehaviour, by the governor. On complaint, &c. the commissioners may displace the curators, or assignees, and appoint others; and the commissioners may attach the said curators and assignees on refusal to exhibit their accounts, &c.

325

55. If any debtor, being a merchant, trader, or person using commerce, or exercising the occupation of buying and selling, or of a factor or commission merchant, shall fraudulently confess, or cause to be obtained, any judgment, or shall fraudulently cause or suffer his lands, tenements, goods or chattels, to be levied upon, to defeat or delay his creditors; or to secure or satisfy any one creditor, in preference to, or to the injury of his other creditors; or shall depart from his dwelling house, with intent to avoid his creditors; or being within his house, shall cause himself to be denied, in order to avoid his creditors; or shall suffer any two promissory notes, drawn, payable without defalcation, and endorsed to, and held by different persons, or bodies corporate, or, on which notes, the said debtor shall be drawer, or indorser, to remain protested, and unpaid, for the space of thirty days; or shall suffer any execution on any judgment, to the amount of two hundred dollars, to be returned *nulla bona*, or shall buy goods, wares or merchandize upon a credit, and afterwards sell or dispose of the same, or a greater part thereof, for a less price than he contracted to pay for them, in order, and with intent, by such purchase and sale, to pay or satisfy any creditor, other than the person from whom such purchase was made; then, any three of his creditors, whose debts together shall amount to one thousand dollars, may apply to the commissioners, and one of them making *affidavit* of the facts, and all of them, of their belief that the debtor is insolvent, the commissioners shall issue a warrant under their hands and seals, requiring the sheriff, &c. to bring the debtor before them, forthwith, to answer such questions as may be asked of him touching his solvency. And on his appearance, the said commissioners, or any of the creditors, may proceed to ask him such questions as may tend to disclose his situation, as far as regards his solvency, which questions he shall be compelled to answer on oath or affirmation, &c. and if he refuse, or shall not either satisfy the commissioners, or swear or affirm, that to the best of his knowledge, or belief, he is solvent, the commissioners shall proceed to appoint curators; and such further proceedings shall be had, in all things, as if the debtor had voluntary petitioned, &c.

325.6

56. But if the debtor shall swear, &c. that he is then solvent, the oath, &c. shall be reduced to writing, signed, certified and recorded as directed in No. 53, &c. &c. and the commissioners shall proceed no further in the case.

326

57. But if the debtor shall afterwards apply for the benefit of this act, and on his examination, &c. it shall appear that he must have known himself to have been insolvent at the time he shall have been sworn, &c. to the contrary, he shall not receive a certificate, and shall moreover, be bound over by the commissioners to answer for the crime of perjury, as directed in No. 47, *supra*. 326
58. The assignees shall take an oath, &c. to be administered by the commissioners, before they enter on the execution of their trust, honestly and truly, to the best of their knowledge and ability, to observe and perform the duties enjoined upon them by this act. And they shall be vested with all the petitioner's estate, and have power and authority to dispose of and convert the same into money, to execute deeds for real estate, redeem mortgages, and conditional contracts, satisfy all judgments, bring and maintain suits, refer to arbitration, settle or compound, or agree with any person indebted to the petitioner, as may appear most advantageous to the creditors. 326-7
59. The assignees shall give notice of the assignment forthwith, and require the creditors to appear, &c. and prove their debts, and the manner of proving the debts prescribed; and in case of controversy, it shall be determined by three arbitrators to be mutually chosen by the assignees and creditor, in the manner specially prescribed in this section. 327
60. Debts not payable at the time of the petition, to be proved as other debts, and to receive a dividend in proportion, deducting a rebate of interest, unless the debt be payable with interest. And where there has been mutual credit given by the petitioner and any other person, or mutual debts subsisting between them before the petition was presented, the one debt may be set off against the other, and the balance due on either side, after such set off, and no more, shall be claimed, or paid. 327
61. Within three months after their appointment, the assignees shall give public notice of the time and place at which they intend to make a dividend of the estate, as far as it may have been realized, which time shall be within three months from the date of the notice; when the said commissioners shall also attend, and the assignees shall there exhibit all their accounts, and reasonable allowance shall be made them for their services; and they, or any of them, if required, shall be examined on oath, &c. to be administered by the commissioners, touching the truth of the said accounts. And the commissioners shall audit the same, and certify the sum to be allowed to the assignees; and at the said time and place, such creditors who have not before proved their debts, shall be allowed to prove the same; and the costs, fees and charges being first paid, the residue shall be divided amongst the creditors, in proportion to their respective claims; and no preference shall be given to debts due by specialty, or otherwise. 327-8
62. Within twelve months after said dividend, if the whole has not been divided at the first dividend, the assignees shall make a second dividend, upon like notice, and creditors who have not theretofore proved their debts, may then prove the same; and the assignees shall exhibit their accounts, &c. as aforesaid; and in case of dispute between the assignees and creditors, the commissioners shall adjust the same, and the nett proceeds shall then be divided, allowing the creditors who had not proved their debts at the former meeting, their just proportion thereof. And the second dividend shall be final, unless any suit be depending relative to the estate, or some other estate or effects should come to their hands, or unless some money or effects should remain in their hands to answer some contingent claim; in which cases the assignees, as soon as conveniently may be, shall settle the said contingent claims, and convert the estate or effects into money, and within two months thereafter divide the same among the creditors aforesaid; and if any overplus shall remain after payment of the creditors, and the fees and expenses, the assignees shall pay the same to the petitioner, or his legal representatives. 328
63. When the petitioner shall have received his certificate, two thirds in number and value of his creditors, who shall have proved their debts, may make such reasonable allowance to the petitioner, out of the estate and effects assigned, as the circumstances of the case may appear to them to warrant, not exceeding ten per cent. on the nett produce of the said estate and effects. But no such allowance shall be made, where the petitioner shall have made any partial, or conditional assignment, with intent to prefer any creditor, in exclusion, and to the damage of his other creditors. 328

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64. The fees of the commissioners prescribed—and the services for which no fee is here specially allowed, shall be performed, *gratis*. 329
65. If any person shall accept, or shall have accepted, any trust for the benefit of the petitioner, or shall have in his possession any estate, real, personal, or mixed, of such petitioner, and shall not forthwith, after notice of the assignment, fully discover and disclose such trust and estate to the assignees, he shall forfeit one hundred dollars, and double the value of the estate so conveyed in trust, or conveyed, to be recovered with costs, by action in the names of the assignees for the use and benefit of the creditors of the insolvent: and if the assignees shall neglect or refuse to prosecute for such penalties, then any creditor, at his own risk and expense, may sue for, and recover the same for his own use and benefit: the creditor first suing, shall be entitled to the same. 329
66. All conditional and partial assignments, made by any person, in contemplation of insolvency, with intent to defraud creditors, or with intent to prefer any creditor, or creditors, to the exclusion, and to the damage of the other creditors, shall be utterly void, and of no effect. 329
67. If any person shall be legally sworn or affirmed by virtue of this act, and shall be guilty of wilful perjury, he shall be prosecuted and punished in the same manner as persons guilty of wilful and corrupt perjury are, or shall be prosecuted and punished by the laws of this commonwealth. 329
68. This act to continue until 1st April, 1815, and no longer; but to be always in force for the completion of any proceedings begun before that time, and for the purpose of prosecuting any offence or misdemeanor, the punishment of which is provided for in this act. 330

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(And for the duties of this officer, under the various laws respecting the exportation of merchantable flour, see vol. 2, pa. 12, 270, 491—vol. 3, pa. 248, 438.)
- (Vol. 2.) 5. Inspector of staves and heading, to be inspector of shingles; and his duties therein prescribed. 505
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3. No person to be admitted to visit the gaol except attorneys, &c. without written license from the inspectors. 536
4. Inspectors, how to be appointed. (See vol. 3, pa. 44—and *infra*, No. 19.) 538
5. The inspectors, seven of whom shall be a quorum, shall meet once in three months, in an apartment to be provided for that purpose, in the gaol; and may be specially convened by the two acting inspectors, when occasion shall require, and shall at their first meeting appoint two of their members to be acting inspectors, who shall continue such, for such time as shall be directed by the inspectors, or a majority of them, when met together—and the acting inspectors shall attend at the gaol, at least once in each week, and shall examine into, and inspect the management of the said gaol, and the conduct of the keeper and his deputies, so far as respects the offenders employed at hard labour, &c. 539
6. The board of inspectors, at their quarterly, or other meeting, shall make such further orders and regulations, as shall be approved of by the mayor and recorder of the city, which shall be hung up in at least six of the most conspicuous places in the gaol; and if the keeper, or any of his deputies shall obstruct or resist the inspectors, or any of them, in the exercise of the powers and duties vested in them by this act, such person shall forfeit twenty pounds, and be liable to be removed from office. 539
- (Vol. 3.) 7. The inspectors shall have power, with the approbation of the mayor, two aldermen of the city, and two of the judges of the supreme court, or two of the judges of the common pleas of Philadelphia county, to make rules and regulations for the government of all convicts confined in the said prison, not inconsistent with the laws and constitution of the state; and to prescribe their allowance of provisions, ascertaining the quantity by weight and measure, and not by piece. 45
8. The inspectors of the prison, shall likewise be inspectors of the debtor's apartment, and shall attend at the debtor's apartment, at least once in each week, and shall examine into, and inspect the management thereof, and the conduct of the keeper and his deputies, and shall make such orders and regulations, with regard to the well ordering and cleanliness of the said apartment, as shall be approved by the mayor of the city, and president of the common pleas of Philadelphia county. 78
9. It shall be part of the duty of the inspectors, to examine into the condition of the several persons confined in the debtor's apartment, with regard to their want of the common necessities of life, and to provide fuel and blankets for such of them as are incapable of obtaining them by reason of their poverty, to be paid out of the county stock, &c. and shall also make an allowance for food, &c. not exceeding seven cents a day, to be paid weekly by the plaintiffs, &c.—and neglect or refusal to pay the same, to operate as a discharge, &c. 78
10. The inspectors empowered to direct the infliction of the solitary confinement, to which convicts are sentenced, at such intervals, and in such manner as they shall judge best. 189
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12. They shall have power to direct the cloathing for convicts, and to employ each in such kind of labour, as their various circumstances may require. 247
13. The inspectors may order and direct any convict, guilty of certain misbehaviour, to be confined in the cells or dungeon, with bread and water only, for sustenance, for any period, not exceeding ten days, for the first offence, nor fifteen days for any subsequent offence. 247
14. All the power and authority vested by the 22d section of the act of 5th April, 1790, (vol. 2, pa. 538,) in the mayor, aldermen and justices, or in the mayor, shall be exercised exclusively by the inspectors. 247
- (Vol. 4.) 15. The inspectors authorized to sell the interest of the common-wealth in the unimproved vacant city lots, and apply the proceeds to the erection of a new prison, &c. 87
- (Vol. 5.) 16. And in the name of their president, may sue for, and recover possession, by ejectment, or otherwise, of the said vacant lots; and also, in such name, may sue for, and recover such debts as may be due to the prison of the city and county of Philadelphia, as fully and effectually as any body corporate may or can do; and no suit so brought, shall be discontinued, or abated by any change of the said persons, by appointment of others in their stead, but the same shall continue and proceed to final issue. 11
17. The inspectors, in addition to the powers they already possess, shall have authority to choose out of their own body, a president, a secretary, and a treasurer.—The treasurer shall receive all monies, belonging to the institution, and pay the same upon the orders of the board, signed by the president, and attested by the secretary; his accounts shall be settled every two weeks, by the board of inspectors. 11
18. Auditors to be appointed, annually, in March, by the quarter sessions, to settle the accounts of the inspectors, &c. 12
19. The select and common councils, in joint meeting, on the first Mondays in May and November, annually, shall elect three inspectors, who shall be taxable inhabitants of the city; and the commissioners of the Northern Liberties, on the same days, shall elect, by ballot, two inspectors, who shall be taxable inhabitants of the Northern Liberties—and the commissioners of the district of Southwark, on the same days, shall elect two inspectors, who shall be taxable inhabitants of Southwark—the election to be between the hours of two and five o'clock in the afternoon; and a majority of them shall constitute a board of inspectors for the prison of the city and county of Philadelphia. 12
20. The treasurer shall give bond and surety to the board of inspectors, &c. and shall not be intitled to receive any compensation for his services. 12
21. The inspectors shall annually appoint three of their own body, whose especial duty it shall be, to inspect the accounts of the institution, and who shall furnish, under oath or affirmation, on the first week in January, annually, to the commissioners of such counties, as may have become indebted for convicts confined in the prison, a correct account current, accurately designating the value and amount of the weekly expenses incurred for the maintenance of said prisoners; and that in their opinion the charges therein contained are just and equitable; and also of the weekly amount and value of the labour performed by them; which account shall be certified by the president of the board of inspectors, and attested by their clerk. 12

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14. No body politic, or corporate, of any foreign state, kingdom or country; no company or co-partnership of foreigners, by themselves, or any agent, and no persons, not citizens of the United States, shall be insurers, in any case, within this state, &c.; and all contracts and policies, entered into, by any such persons, company, co-partnership, or body politic or corporate, as insurers, shall be null and void.	106
15. If any person shall renew any contract, or policy of insurance as assurers, on account, or in behalf of, or as agent, or agents for any body politic or corporate of any foreign state, kingdom, or country, any company or co-partnership of foreigners, or any persons, not citizens, within this state, he shall, on conviction, forfeit and pay five thousand dollars for every such offence, one half for the use of the commonwealth, and the other to the use of the informer, who shall sue for the same.	106
16. If any citizen of this state, shall make or renew any contract or policy of insurance, as a party insured, with any foreign company, or corporation, or the agents of such company, &c. or with any persons not citizens of the United States, he shall, on conviction, forfeit and pay five hundred dollars to the uses aforesaid, and in all, or either case, or cases, the policy, or policies, shall be deemed and received as conclusive evidence of such contract, or insurance.	107
17. But this penalty shall not be construed to extend to any case of marine insurance made in any foreign country by any agent or agents of American merchants, so as to secure the vessel and cargo belonging to them; nor to prevent any foreigner from having his property insured within this state, excepting only an alien enemy.	107
18. The Bucks county contributionship for insuring houses and other buildings from loss by fire, incorporated.	267
19. The Pennsylvania company, for insurance on lives, and granting annuities, &c. incorporated.	312
INTEREST. } 1. Lawful interest shall be allowed to the creditor, for the sum, or value	
(Vol. 1.) } he obtained judgment for, from the time the said judgment was obtained till the time of sale, or till satisfaction be made.	7
2. No person, directly, or indirectly, for any bonds or contracts, shall take for the loan, or use of money, or any other commodities, above the value of six pounds, for the forbearance of one hundred pounds, or the value thereof, for one year, and so proportionably, for a greater, or lesser sum.	156
(Vol. 2.) 3. Certain actual settlers, driven from their habitations by the Indians, in the course of the war, exonerated from interest on the purchase money due to the state on their lands, from 1st January, 1776, until 1st of July, 1784.	342

- (Vol. 3.) 4. So much of the act of 29th March, 1792, as allowed interest on balances due to individuals, in the land office, repealed. Page 93
- (Vol. 4.) 5. Interest to be charged on the aggregate amount of principal and interest due to the state, on unpatented lands, from a given period, unless previously patented, or mortgaged, &c. 41, 494
- (Vol. 5.) 6. In applications for warrants, at the land office, the applicant, at his election, may pay the interest on the purchase money, accrued previously to the date of the warrant, either at the time the purchase money shall be paid, or after the return of survey, and before issuing the patent. 76
7. All balances due to the commonwealth, on accounts settled by the auditor-general, shall bear interest from the date of settlement, until paid. 236

INTESTATES
AND DISTRI-
BUTION OF
THEIR ES-
TATES.

(Vol. 2.)

1. If any person, who, at the time of his, or her, death, was seized or possessed of any real or personal estate, die intestate, without heirs, or any known kindred, such estate shall escheat to the commonwealth, subject to all legal demands on the same; but real estate shall not escheat, for want of heirs, where brothers or sisters of the half blood, or father or mother, or grandfather or grandmother, of the deceased, survive, to take the same; but that such brother and brothers, sister and sisters, by equal portions, if there be more than one, or in default thereof, such father, or in default of him, such mother, or in default thereof, such grandfather, or in default thereof, such grandmother, shall inherit, and hold the same in fee simple. 423
- (— and aliens, except alien enemies, may take real estate by descent, and shall succeed to personal estate, in the same manner as if they were citizens of this commonwealth; and there shall be no escheat, or forfeiture, in such case. Vol. 3, page 4.)
2. Debts due to an intestate, whose property has escheated, or any part of his estate in the hands or possession of others, within this state, shall be recovered to the use of the commonwealth, &c. 429
- (Vol. 3.) 3. After payment of debts, the remaining part of the real and personal estate, of any person deceased, not sold or disposed of by will, nor otherwise limited by marriage settlement, shall be divided and enjoyed, as follows:—If the intestate leaves a widow, and lawful issue, the widow shall be entitled to one third part of the real estate during life, and one third of the personal estate absolutely; and the remaining two thirds of both real and personal estate, shall immediately descend, and be distributed to the lawful children of the intestate, as tenants in common, in equal parts. 143
4. If the intestate shall leave several persons, lawful issue in the direct line of lineal descent, and all of equal degree of consanguinity to the intestate, the two thirds of such estate shall descend and be distributed to the said several persons, as tenants in common, in equal parts, however remote from the intestate the common degree of consanguinity may be, in the same manner as if they were all daughters of the intestate. 145
5. If the intestate shall leave lawful issue of different degrees of consanguinity to him, or her, the said two thirds of such estate shall descend, and be distributed to the lawful child or children of the intestate, if either, or any of them be then living, and to the lawful issue of such of the children as shall be then dead, leaving lawful issue, as tenants in common; such issue always to inherit, if one person, solely, and if several persons, as tenants in common, in equal parts, such share only as would have descended to his or their parent, if such parent had been then living; and each of the lawful children of the intestate always to inherit and receive such share as would have descended, or been distributed to him or her, if all the children of the intestate, who shall be then dead, leaving lawful issue, had been living at the death of the intestate. 145
6. If there be no child of the intestate living at his death, and only a

- grand-child, or grand-children, and the lawful issue of a grand-child, or grand-children, who shall be then dead, leaving lawful issue, then the estate shall descend, and be distributed to such grand-child, or grand-children of the intestate, and to the lawful issue of such of the grand-children of the intestate as shall be then dead, leaving issue, as tenants in common ; such issue always to inherit if one person, solely, and if several persons, as tenants in common, in equal parts, such share only, as would have descended to his, her, or their parent, if such parent had been then living : and each of the grand-children of the intestate, living at the time of his death, always to inherit and receive, such share as would have descended, or been distributed to him, or her, if all the grand-children of the intestate, who shall be then dead, leaving lawful issue, had been living at the-time of the death of the intestate. . 145
7. And the same law of inheritance, descent and distribution, shall be observed, in case of the death of the grand-children, and other descendants, to the remotest degree. . 145
3. If intestate leaves no widow, the whole real and personal estate shall descend and be divided, as before directed with respect to the estate not disposed of in favour of the widow. . 146
9. If intestate shall leave a widow, and no lawful issue, she shall have one half of the real estate, including the mansion house, during life, except, where in the judgment of the orphans' court, the estate cannot, with propriety, be divided ; and in that case she shall have and receive the rents and profits of one half of the real estate during life, and one half of the personal estate absolutely ; the remaining half to descend and be disposed of, as is provided with respect to the whole estate, in case the intestate leaves no widow ; and the real estate to be enjoyed by the widow during life, shall descend and be disposed of as is provided with respect to the whole estate, in case the intestate leaves no widow. . 146
10. If intestate leave neither widow, nor lawful issue, but shall leave a father, the whole real estate shall be enjoyed by the father during life, and the personal estate shall vest in him absolutely, unless the said real and personal estate came to the intestate from the part of his mother, in which case the said estate, or such part thereof as shall have come from the part of the mother, shall descend, pass, be enjoyed or possessed, as if the intestate had survived his or her father. . 146
11. If intestate shall leave neither widow, nor lawful issue, but shall leave a father, and brothers and sisters, the real estate shall descend to, and be enjoyed by the brothers and sisters of intestate, after decease of the father, as tenants in common, in equal parts ; and if any of the brothers and sisters shall be then dead, leaving lawful issue, then it shall descend to, and be enjoyed, by the surviving brothers and sisters, and the lawful issue of such brothers or sisters, as shall be then dead, leaving lawful issue, such issue always to inherit, if one person, solely, if several persons, as tenants in common, in equal parts, such share only, as would have descended to his, her, or their parent, had such parent been then living ; and each of the brothers and sisters of intestate, living at his death, always to inherit and enjoy such share, as would have descended, and been distributed to him or her, if all the brothers and sisters, leaving lawful issue, had been living at intestate's death. . 146
12. But if intestate shall leave no brothers and sisters, nor their representatives, then the estate shall go to the father in fee simple, unless where the estate has descended from the part of the mother, as aforesaid. . 146
13. If intestate shall leave no widow, nor lawful issue, nor father, but leaves a mother, the whole real estate shall be enjoyed by the mother, during her life ; and the personal estate shall pass and be vested in the mother absolutely, unless the real and personal estate, or either of them, came to the intestate from the part of his or her father ; in which case the said estate, or such part thereof

as came from the father, shall descend, pass, and be enjoyed or possessed, as if intestate had survived his or her mother, (*infra*, No. 37.)

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14. If intestate shall leave neither widow, nor lawful issue, but shall leave a mother and brothers and sisters, the real estate shall descend to, and be enjoyed by the brothers and sisters of the intestate, or their representatives, after the death of the mother, as tenants in common, in equal parts; and if any of the brothers and sisters of intestate shall be then dead, leaving lawful issue, then it shall descend to and be enjoyed by the surviving brothers and sisters, and the lawful issue of such brothers or sisters as shall be then dead, leaving lawful issue, such issue always to inherit, if one person, solely, if several persons, as tenants in common, in equal parts, such share only as would have descended to his, her, or their parent, had such parent been then living; and each of the brothers and sisters living at intestate's death, always to inherit and enjoy such share as would have descended, or been distributed to him or her, if all the brothers and sisters, leaving lawful issue, had been living at intestate's death, (*infra*, No. 37.) 147
15. If any child shall have any estate by settlement of, or shall be advanced by intestate, in his or her lifetime, by portion or portions, equal to the share which shall be allotted to the other children, or descendants, whether by real or personal estate, such person shall have no share of intestate's estate. 147
16. But if such advancement shall not be equal to the share which will be due to the other children or descendants, then so much of the surplusage of intestate's estate, shall be distributed to such child or children, as shall make the estate of all the children or descendants to be equal, except, that where the issue to take, shall not be of equal degree to the intestate, the several descendants taking by representation, shall inherit and enjoy, the one person solely, and several persons, as tenants in common, in equal parts, such share only as would have descended, or been distributed, to his, her, or their, parent, or ancestor, if such parent or ancestor had then been living. 147
17. All posthumous children shall, in all cases whatsoever, inherit in like manner, as if they were born in the life time of their respective fathers. 148
18. If intestate shall leave no children, or lawful issue, father or mother, brothers or sisters, or their lawful issue of the whole blood, then brothers and sisters of the half blood, and their lawful issue, shall inherit the same as aforesaid, in preference to the more remote kindred of the whole blood, unless where such inheritance came to the intestate, by descent, devise or gift, of some one of his or her ancestors, in which case all those, who are not of the blood of such ancestor, shall be excluded from such inheritance. 148
19. If intestate leave neither widow, nor lineal descendant, nor father or mother, brothers or sisters of the whole or half blood, or lawful issue of any brother or sister of the whole or half blood, his real and personal estate shall descend to and be divided among the next of kin of equal degree; and if any such kindred shall be then dead, leaving lawful issue, then it shall descend to and be enjoyed by such surviving kindred, and the lawful issue of such kindred as shall be then dead, leaving issue, as tenants in common; such issue always to inherit, if one person, solely, and if several persons, as tenants in common, in equal parts, such share only as would have descended to his, her or their parent, if such parent had been then living; and each of the kindred in equal degree to intestate, who shall be living at his death, always to inherit and receive such share as would have descended to him or her, if all such kindred leaving lawful issue, had been living at intestate's death. 148
20. The share of the intestate's estate allotted to the widow, shall be in lieu and satisfaction of her dower at common law. 148
21. Of the order of paying debts—and apportioning assets among creditors, in case of deficiency. (See title "Assets," No. 1, 2.) 148-9

22. That due regard may be had to creditors, no administrator shall be compelled to make distribution of the goods of intestate, until one year be fully expired after intestate's death : and each one to whom distribution shall be allotted, shall give bond with sufficient securities, in the orphans' court, that if any of intestate's debts shall be afterwards sued and recovered, or otherwise duly made to appear, that then he or she, shall respectively refund and pay to the administrator, his or her rateable part of that debt or debts, and the costs of suit, and charges of the administrator, by reason of such debts, out of the part and share so allotted to him or her, thereby to enable the said administrator to pay and satisfy the said debt or debts, so discovered after distribution made as aforesaid. 149
 —So, where distribution shall be voluntarily made by the administrator. 149
23. Intestates relations, and persons concerned, who shall not lay legal claim to their respective shares, within seven years after intestate's death, shall be debarred from the same forever. 149
24. But if such relation, or person, shall, at the time his title accrued, be within age, *covert*, *non compos mentis*, in prison, or out of the United States, then such person, his or her heirs, &c. (notwithstanding the said term shall have expired,) shall and may recover, hold, and enjoy the same, if he or she shall lay a legal claim thereto, within seven years after his or her coming to full age, discovery, coming to sound mind, enlargement out of prison, or return into some one of the United States. 149-50
25. And if such relation, or person, shall, at intestate's death, be feme sole, of sound mind, not in prison, and within the United States, shall afterwards, and within the said term of seven years, be *covert*, *non compos*, &c. then such person shall not be barred his or her claim, notwithstanding the said term of seven years may have expired, provided the time which may have elapsed previously to such disability, together with the time subsequent thereto, and before such claim is made, does not exceed the said term of seven years. 150
26. If intestate, seized of real estate at the time of his death, leave lawful issue, but not a sufficient personal estate to pay his just debts, and maintain his children, the administrator may borrow on mortgage, giving the premises for security, any sum, not exceeding a third of the value thereof, or sell and convey such part thereof, as the orphans' court of the county where the estate lies, shall, in either case, from time to time, think fit to allow, order and direct, for defraying the just debts, maintenance of the children, and for putting them apprentices, and teaching them to read and write, and for the improvement of the residue of the estate, if any be, to their advantage. 150
27. No lands, &c. contained in any marriage settlement, shall be sold contrary to the form and effect of such settlement ; nor shall the orphans' court allow any intestate's lands to be sold, before the administrator, requesting the same shall exhibit an inventory, &c. (See title " Administration," No. 33.) And if there be any surplus, the same shall be distributed as is required for intestate's real estate. 150-1
28. No lands, &c. so sold by order of orphans' court, shall be liable in the hands of the purchaser for the debts of intestate. 151
29. The orphans' court of the county where the lands lie, on petition by the widow, or any child, or children of intestate, if of age, or by their guardians, or next friends, if under age, may appoint seven or more persons, indifferently chosen, on behalf, and with consent of the parties ; or where they cannot agree, may award an inquest to make partition ; and on return made by the persons so to be appointed, or of the inquisition so to be taken, may give judgment, that the partition thereby made, do remain firm and stable forever, and that the costs arising thereon, shall be paid by the parties concerned. 151

30. But where the lands &c. cannot be divided without prejudice to, or spoiling of the whole, the said seven persons, or the inquest, as the case may be, shall make a just appraisement thereof to the orphans' court, who may, thereupon, but not otherwise, order the whole to the eldest son, if he will accept it, or any of the other sons successively, upon the eldest son's neglect or refusal, or if there be no son, or all the sons neglect or refuse, then to the eldest daughter, and on her neglect or refusal, to any other of the daughters, in the same manner, successively, he, she, or they, or some friend legally authorized for him, her or them, paying to the intestate's other children, their equal proportion of the value, as appraised, or giving good security for the payment thereof, in some reasonable time, not exceeding twelve months, as the orphans' court shall limit and appoint, and the persons receiving payment for their respective shares, shall be forever barred of all right to the intestate's lands aforesaid. 151
31. Where the widow is living, and the premises are adjudged to the eldest son, or any of the children, she shall not be entitled to the sum at which her share shall be valued, but the same, together with the interest thereof, shall remain charged upon the premises, and the interest shall be annually and regularly paid by the person holding the lands, to be recovered by distress, or otherwise, as rents are recovered, during her life, which she shall accept and receive in lieu and full satisfaction of her dower at common law; and at her death the principal shall be divided and distributed by the court, among the children of her husband, and their representatives, according to the directions of this act. (*infra*, No. 46.) 152
32. When it shall appear by the report of the seven persons, or by the inquest, aforesaid, that the real estate of intestate will conveniently accommodate more than one child, the court may settle the same on as many (preference being always given to the eldest sons) as it will accommodate, without prejudice to, or spoiling the whole; or if intestate left no issue, the same may be assigned to so many of his next of kin as it conveniently will accommodate, without spoiling the whole, (preference being given to the male heirs among such as are of kin in equal degree,) and if there be no sons, then to so many of the daughters as the same will accommodate, as aforesaid, the said children, or next of kin, or some friend for them, paying or securing to the other children, their respective parts, as aforesaid, where one of the children takes the whole; and the court in directing the payments to be made, or the securities to be given, shall have regard to the value of the estate. 152
33. If any person, having made a will, and afterwards shall marry, or have a child, or children, not provided for in such will, and die, leaving a widow and child, or either, though such child or children be born after the father's death, every such person, so far as shall regard the widow or child, or children, after born, shall be deemed to die intestate, and such child or children, shall be entitled to such share of the real and personal estate of the deceased, as if he had died without a will; and the orphan's court, so far as regards the wife after married, or child or children after born, shall have the same power to make partitions, &c. or to value, adjudge and order the premises to the devisee, or devisees of such part of the estate as cannot be divided, and on their refusal, to the other children successively, as where a person dies wholly intestate—the money to be paid, or secured, as aforesaid. 152-3
34. By a supplement of 4th April, 1797, where an intestate leaves a widow, and no lawful issue, the real and personal estate of intestate, not given by the former act to the widow, shall descend and be divided, as directed by this act, and the act to which it is a supplement, in cases where intestate shall leave neither widow, nor lawful issue. 298
35. Where any woman shall die intestate, without leaving a husband, her estate shall descend, and be divided in the same manner as is directed by this act, and the act to which it is a supplement, in cases where men die intestate. 298

36. But where she leaves a husband, he shall take the whole personal estate, and the real estate shall descend and go in the same manner as is directed in the case of men dying intestate, saving to the husband his curtesy right. 298
37. If intestate die seized of real estate, in fee simple, and leave no widow, nor lawful issue, father, brother, sister, or their representatives, then the estate shall go and be vested, in fee simple, in the mother, unless where such estate has descended from the part of the father, in which case it, or such part as shall have so descended, shall pass and be enjoyed, as if such person so dying seized, had survived his, or her, mother. (*supra*, No. 13, 14.) 293
38. If intestate leave neither widow, nor lawful issue, father or mother but brothers and sisters of the whole blood, the estate shall descend to and be vested in such brothers and sisters, as tenants in common, in equal parts; and if any of the brothers and sisters shall be then dead, leaving lawful issue, then it shall descend to, and be enjoyed, by the surviving brothers and sisters, and the lawful issue of such brothers or sisters as shall be then dead; such issue always to inherit, if one person, solely, if several persons, as tenants in common, in equal parts, such share only, as would have descended to his, her, or their parent, had such parent been then living; and each of the brothers and sisters of the intestate, living at the intestate's death, always to inherit and enjoy such share, as would have descended, and been distributed to him or her, if all the brothers and sisters, leaving lawful issue, had been living at intestate's death. 293-9
39. If intestate die seized of real estate, leaving neither widow, nor lawful issue, father or mother, brother or sister, of the whole blood, but shall leave lawful issue of deceased brothers, or sisters, the estate shall be enjoyed and possessed by such lawful issue, in the same shares and proportions, and for such estates, as is directed in case some of the brothers or sisters are living. 299
40. If intestate leave neither widow, nor lawful issue, father or mother, but brothers and sisters of the whole and half blood, or their representatives, the brothers and sisters of the whole blood, and the legal representatives of such of the whole blood as are dead, shall inherit the real estate in fee simple; and the personal estate shall be distributed equally between the brothers and sisters of both the whole and half blood, or their representatives. 299
41. But if there are no lawful issue, widow, father or mother, brothers or sisters or their representatives, of the whole blood, then brothers and sisters of the half blood, shall inherit the said real estate in fee simple, and the personal estate absolutely, as tenants in common, in equal parts, except such parts of the real estate as came to the intestate by descent, devise or gift of some one of his, or her ancestors; in which case, all those who are not of the blood of such ancestor, shall be excluded from such inheritance, and such part of the real estate. 299
42. The like proceedings may be had, where intestate leaves no children, or their legal representatives, both in making partition, or where the estate cannot be divided without prejudice, or spoiling the whole, by directing an appraisement, and ordering the whole to the eldest brother, or his issue, *if any of such issue shall then be of full age*, if he or she shall accept it, or to any other of the brothers, or their issue successively, *if any of such issue shall then be of full age*, upon the refusal by the eldest brother, or his issue; or if there be no brothers, or their issue, or they all neglect or refuse, then to the eldest sister, or her issue, *if any of such issue shall then be of full age*, and on her neglect or refusal, to any other sister, or her issue, successively, *if any of such issue shall then be of full age*, in the manner and on the conditions directed by the original act with respect to the children of an intestate; (*supra*, No. 30.) and the same mode of assigning, dividing and appraising estates, shall be observed in all cases, where by this, or the original act, estates are to be vested in several persons, as tenants in common. 299

(Vol. 4.) 43. Where real estate cannot be divided, but shall be appraised, and none of the children, or legal representatives of the intestate will take the same at the valuation, the orphans' court, on the application of any one of said children, &c. shall grant a rule on all the heirs, or other persons interested in such estate, to show cause on the first day of the next regular session of the said court, why the intestate's estate should not be sold; and a copy of such rule shall be served on such of the heirs, or representatives interested, as reside in the county where the estate lies, by delivering it to the person, if of age, or his or her guardian, if a minor, or by leaving a copy thereof at their usual place of abode, at least twenty days before the time of holding the court: and notice shall be given to such as live out of the county, by publishing a copy of said rule, certified by the clerk of the court, in the newspaper printed in the county, if any be there printed; and if not, in the newspaper nearest to such county, at least four weeks previously to the court; and if cause be not shewn, the court shall, on due proof of the notice as aforesaid, order and decree that the administrator shall expose the intestate's real estate to sale, on the premises, on a day certain, upon such terms as the court may think proper to direct: of which the administrator shall give at least ten days notice, by advertisement in the newspaper printed in such county, if any there be, and if none, then in that nearest the county where the land lies, (*infra*, No. 47.)

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44. On such sale being made, and return thereof to the court, on motion of the purchaser, they shall confirm the same, and decree the estate in the premises, so sold, to be transferred to the purchaser, as fully as intestate held the same at his decease, subject and liable to the payment of the purchase money, according to the terms prescribed in the order of sale, and the court shall order the proceeds thereof to be distributed in such manner, as, according to law and justice may be proper.

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45. If intestate's real estate be situate in one tract, or in one or more tracts adjoining each other, on the line or lines of any county or counties, whereby part or parts of said tract, or adjoining tracts, may be in two or more of the said counties, adjoining, the orphans' court of the county where the principal mansion is situate, on application for that purpose, may issue a writ to the sheriff of the county within their jurisdiction, specifying the lands in the said county, and the county, or counties adjoining, of which a partition, or valuation is intended to be made; and the sheriff shall summon an inquest, according to law, to divide or value the said lands, in the same manner, as if the whole were in his proper bailiwick, and on return thereof to the court, out of which the writ issued, the said court may further proceed thereon, as if all the said lands were in the county, and within the jurisdiction of the said court, and to decree partition thereof, or allot the whole to any one of the heirs, according as the inquisition may be returned to them, as fully and amply as they could do, where real estate is wholly in one county, and any recognizances taken by the said court, in pursuance of such proceedings, shall be valid and effectual, to all intents and purposes, and the final decree of the court thereon, shall have the same operation, to vest the title of such estate, in the heir or heirs who may accept the same, as any decree of the orphans' court in any county within their jurisdiction, heretofore has had; exemplifications of the proceedings to be recorded by the clerks of the orphans' courts, of the adjoining counties, at joint expense.

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46. When partition is made of an intestate's estate, and part is allotted to each of his children, or representatives, in case the widow be living, the inquest or referees, making the partition, shall estimate the value of the widow's part, and apportion the same among the respective shares; and on confirmation thereof by the orphans' court, the same shall remain as a charge upon the said shares, and the interest thereof shall be annually, and regularly, paid to such widow, and may be recovered by action of debt, or distress, as rents are recovered. And where the estate is divided into fewer parts than there are children, or representatives, the same proceedings shall be had to estimate and apportion the widow's purpart among the said parts, which shall remain a charge thereon, and the interest shall be paid

- and recovered as aforesaid ; and on the decease of any such widow, the whole value of any such purpart, shall be distributed among all the children, or representatives, in proportion to their respective shares, according to law, (*supra*, No. 31.) 400
47. Where the intestate's estate is divided into a fewer number of parts than there are children, or representatives, and any one, or all of the said parts is, or are, refused to be taken by the children or representatives, the like proceedings shall be had to sell the parts so refused, as is directed in case of an appraisement of the whole, (*supra*, No. 43, and *infra*, No. 53,) and previous sales in such cases, confirmed. 400.1
48. In order to give the younger children, or representatives of the intestate, an opportunity of accepting or refusing the estate, in case of an appraisement, or partition into fewer parts than there are children or representatives, the orphans' court, upon application, shall grant a rule upon any of the children or representatives, to come into court within a certain time, and to accept or refuse the same ; a copy whereof shall be served on the party, personally, ten days before the return thereof, in case he, she, or they, reside within the county ; or if they reside out of the county, a copy of the rule shall be published in at least one newspaper printed in the proper county, or if there be none therein, then in some adjacent county, and in one daily newspaper for the city of Philadelphia, for the space of one month before the return thereof ; and in case he, she, or they, do not come in, according to the rule, and accept or refuse, the court shall direct the same to be offered to the next child, or representative, in order, (*infra*, No. 52.) 401
49. If intestate leave lands in more than one county, if, after inquisition held, any of the legal representatives shall accept of the real estate, at the valuation thereof, in any one county, such person shall not have the right of preference, or elect, to take the real estate, or any part thereof, in any other county, until all the other heirs, or legal representatives shall refuse to take the same at such valuation. 402
50. Where the real estate of a minor may be sold by decree of the orphans' court, for the purpose of his maintenance. (See title "Minor.") 402
51. In case of a residue of personal estate, undisposed of by any will, the same shall be distributed to and amongst the rest of kin, agreeably to the intestate laws. 402
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- (Vol. 3.) 19. [Three terms only directed to be held in the supreme court; each to continue two weeks, and no longer;—and the courts of *nisi prius* to be held at such intermediate times, as the justices of the said court shall judge most convenient for the people, (*infra*, No. 24-27.)] 29
20. [The time of holding the terms altered—and fixed on first Monday in September, second Monday in December, and third Monday in March—December term to continue three weeks, and no longer, and March and September terms to continue two weeks, and no longer.] (*Infra*, No. 24, 27.) 245
21. The last, as well as the first day of every term, shall be a common return day in the said court, at either of which periods, any writs, original, mesne, or judicial process, or other proceeding, issuing or to be had out of the said court, may be made returnable, at the election of the party suing out the same, and shall be as valid and effectual in all cases, and to all intents and purposes, as if the same had been made returnable on the first day of the term, provided the same be sued out at the like periods of time previous to the second return day, and the like directions to be observed and performed, as are necessary in writs, &c. returnable on the first day of the term. But nothing herein to prevent special days of return being appointed or assigned, either of course, or at the discretion of the judges, or any one of them, for writs, process, and proceedings in the said court, in which special days of return have heretofore been used or accustomed so to be appointed or assigned, (*infra*, No. 32, 44.) 215
22. [Circuit courts established—(obsolete)]—after the last day of December term, 1799—no judgment rendered in the supreme court shall be a lien on real estates, except in the county in which such judgment shall be rendered. 339
23. Provision for holding the supreme court out of the city, in case of contagious disease, &c. 379, 437
24. March and December terms to commence on the first Mondays of the said months; March term to continue three weeks, and December term four weeks; and the first and last days of the said terms, respectively, shall be return days thereof, (*infra*, No. 27.) 511
- (Vol. 4.) 25. After the first day of May, 1806, no issues in fact in the supreme court, shall be tried in bank, but all issues in fact then pending, shall be tried at *nisi prius*, in the city, in the manner heretofore used, at such time as the judges thereof, at any term, shall direct; but it shall be lawful for one of the judges to hold sittings for the trial of issues of fact, in

	term time, without regard to the sittings of the judges then in bank, with like powers and authority as a judge at <i>nisi prius</i> .	Page 271
26.	The supreme court divided into two districts—Eastern, and Western. (<i>infra</i> , No. 31, 33)	271
27.	Prothonotary to be appointed for each district, &c. The term to be held in the western district on the first Monday in September, to continue two weeks—Two terms to be held annually, in the eastern district—on the second Monday in December, to continue three weeks, and on the third Monday in March, to continue two weeks, if necessary, and power given to hold adjourned courts in each district, if necessary.	271
28.	The said courts, severally, within the respective districts, invested with the same powers, authority and jurisdiction, which are vested by the constitution and laws in the supreme court of this state, &c.	271
29	[Circuit courts to be held by a single Judge, &c.—obsolete.]	272
30	[Supreme court to have no original jurisdiction, (repealed, <i>infra</i> , No. 41,) and conditions on which removals are to take place.] (See pa. 358.)	274-5
31.	A middle district of the supreme court established, (<i>supra</i> , No. 26, <i>infra</i> , No. 33,) one term to be held annually therein, at Sunbury, Northumberland county, with jurisdiction as in No 28, <i>supra</i> . The term to continue two weeks.	448
32.	The last Monday in July, annually, shall be a common day of return for the supreme court of the eastern district, at which time all writs and process may be returnable in the same manner as at the regular terms of said court, and may also bear <i>teste</i> on the said day; but the same to be sued out at like periods of time, previous to such return day, and like directions to be observed, &c. as is necessary by law as to process returnable to the terms of the said court; and one of the judges shall attend on the said day, at the place assigned by law for holding the terms of the said court; to grant rules, and make all necessary orders touching any suit, action, writ of error, process, pleadings, or proceedings returned to or depending therein, preparatory to the hearing, trial, or decision thereof. (<i>infra</i> , No. 44.)	449
(Vol. 5.) 33.	Two additional districts of the supreme court, established, viz.—The Lancaster district, and the southern district;—a prothonotary to be appointed for each;—The judges to hold one term, annually, in each district, at stated periods; to continue two weeks, if necessary, and adjourned courts to be held when the business requires it; and the commencement of the term of the middle district, altered.	15
34.	The supreme court to have the same powers, authority and jurisdiction, in the new districts as in the other districts; and all actions, pending and undetermined in the other districts, and appertaining to the new districts, to be transferred thereto respectively, and to be considered as pending in the proper district, and shall be proceeded in and determined, as if they had originated in the said districts respectively;—the prothonotaries of the new districts to be accountable for the fees belonging to the former prothonotaries, &c. dockets to be made out, &c.	15
35.	As soon as the judges shall have finally determined, and rendered judgment in any cause, &c. which shall have been transferred to, or which may be brought in any district of the supreme court, by appeal or writ of error, they shall order the records thereof, with their decision thereon written, to be certified and remitted to the appropriate court of the proper county, which court shall duly carry the same into execution and effect, and on the abolition of the circuit court, the proceedings which otherwise might have been remitted to that court, shall be remitted to the appropriate court of the county in which they originated prior to their removal, to be there duly carried into execution and effect.	16
36.	The judges of the supreme court shall not issue any writ of <i>Certio-</i>	

rari or *habeas corpus*, to remove any cause from any county court, [except Philadelphia, see *infra*, No. 45] and all causes, indictments, and prosecutions in the circuit court, in any county, remaining untried, on the 4th Monday in October, 1809, shall be transferred to the appropriate court of the proper county, to be there tried and determined, and all proceedings therein to have the same effect as they would have had in the circuit court, which court from thence is abolished. And appeals or writs of error, then pending in the circuit court, shall be transferred to the proper district of the supreme court for final determination, &c.

37. Courts of *nisi prius* to be held in Philadelphia, as heretofore. (*infra*, No. 42.) 16
38. Appeals and writs of error to lie to the supreme court of the proper district, from the courts of the several counties, and in such case, an oath, or affirmation shall be filed with the record, that such appeal, or writ of error is not intended for delay. 17
39. Where the facts in any special verdict may be insufficiently, or uncertainly found, the judges may remand the record, and direct another trial, to ascertain the facts; and that each party may have sufficient opportunity to take out a writ of error, no execution shall issue upon any judgment on any special verdict, or case stated, or on demurrer, unless by leave of court, in special cases, for security of the demand, within three weeks from the day on which such judgment shall be pronounced. 17
40. Three judges, and no more, to constitute the supreme court. 17
41. The original jurisdiction of the supreme court, in the city and county of Philadelphia, restored, in all cases of the value of five hundred dollars, and upwards. [And suits from the common pleas, of the same value, may be removed there, &c.] 158
42. The judges of the supreme court shall, severally, in the order and rotation, at the times and periods to be established by themselves, hold courts of *nisi prius* in the city and county of Philadelphia, at least thirty-three weeks in each and every year; unless the business shall not require so long a time to go through, and finish the same, (*infra*, No. 46.) 158
43. No *certiorari* issued by, or out of the supreme court, to any justice of the peace in any civil suit or action, shall be available to remove the proceedings had before such justice of the peace. 172
44. The judges of the supreme court empowered to appoint special return days in the courts in bank, in each and every district of the supreme court, at fixed periods, in term time, or in vacation, as by them shall be deemed expedient for the convenience of suitors, and the furtherance of justice, and the days and times so appointed, shall be entered of record by the prothonotaries of the said courts, respectively, and shall thereafter be deemed legal return days in the said courts, respectively. 183
45. No suit to be removed to the supreme court by *certiorari* or *habeas corpus*, from the district court of the city and county of Philadelphia. 224
46. The judges of the supreme court, whenever they may think it expedient, may apply as much of the thirty three weeks, (*supra*, No. 42) as in their opinion may be necessary to the transaction of the business of the said court, in either of the districts of this state, in bank. 308

(See title "Judges," No. 5, 6, 7)

- , Common
Pleas.)
(Vol. 1.)

1. County courts of common pleas to be held in each county, four times a year; to hold pleas of assizes, *scire facias*, and replevins, and hear and determine all manner of pleas, actions, suits and causes, civil, personal, real and mixed, according to the laws and constitution; and empowered to grant, under the seal of the respective counties, replevins, writs of partition, writs of view, and all other writs and process, upon the said pleas and actions, cognizable in the said respective courts, as occasion may require; and to issue *subpoenas* for

- witnesses to give evidence in or upon the trial of any matter or cause whatsoever, depending before them, under such pains and penalties, as by the rules of the common law, and course and practice of the king's courts at Westminster, are usually appointed ;— and to grant to any defendant, who by reason of his sudden departure, shall require a more speedy determination than can be obtained by the ordinary rules of proceedings, a *special court*, &c. (Act of 22d May, 1722.) 142-3-4
2. This court revived, and continued with its former powers, under the commonwealth. 430
- (Vol. 3.) 3. The state divided into five districts for the courts of common pleas ; a president, &c. to be appointed in each district, in conformity to the alterations and amendments in the constitution. 29
4. The common pleas empowered to supply defects in titles to lands, where deeds have been lost or destroyed by time, or accident. (See vol. 2, pa. 375.) 87
- (Vol. 4.) 5. The judiciary system altered—the state divided into ten districts for the courts of common pleas ;—a president to be appointed in each, &c. The vacancy of associate judges, not to be supplied unless the number shall be reduced to less than two, in which case, or in case of any county hereafter organized, the governor shall commission so many as will complete that number, and no more. Four terms to be annually, in each county ; the powers of the courts to be the same as heretofore. 273-6
- (An eleventh district established, 24th March, 1812, vol. 5, pa. 354)
6. The judges of the courts of common pleas, in each county, in which the term is to continue two weeks, shall have power, at every term, to make an order to be entered of record, directing that the court of common pleas at the next term, shall continue only during the first week thereof, and in that case, all business in the quarter sessions and common pleas, shall be acted upon in the first week, as has hitherto been usual, &c. 275
7. The judges of the common pleas, in the several counties, shall have power to adjourn the said courts respectively, from time to time, as they shall think proper, and at such adjourned courts, may act and decide upon all business within their jurisdiction, respectively ; and it shall be the particular duty of the judges, to see that all actions in their respective courts, shall be reached, and have a fair opportunity of trial, at least within one year after they shall have been commenced ; and refusal or neglect to do so, to be deemed misbehaviour in office, and lay a sufficient ground for the removal of the judge or judges so offending. 275
8. In all cases where the president shall deliver the opinion of the court, if either party, by himself or counsel require it, it shall be his duty to reduce the opinion so given, with his reasons therefor, to writing, and file the same of record in the cause. 276
9. Certain powers respecting writs of partition, vested in the common pleas. (See title " Partition.") 335, 399
10. It shall be the duty of the several courts of common pleas, at their first term in each year, to fix and order a daily allowance for all such poor and insolvent debtors, as may be confined in the prison of their respective counties during the year, and have not property to support themselves ; to be paid weekly by the plaintiffs, &c. 404
11. The term of the common pleas, in Dauphin county, enlarged to two weeks ;—and the judges of the several courts of common pleas of Delaware, Chester, Bucks, Montgomery, Northampton, Northumberland, Dauphin, Luzerne, Lycoming, Berks, Lancaster, York and Adams, are empowered, at any term of the said courts, respectively, to make an order, (to be entered of record) that the trial of issues in civil causes shall commence during the first week of the next term, at a day to be fixed in such order, &c. 525-6

12. In case of the sickness of a judge, or other cause, any one judge may adjourn the common pleas, and continue the same from day to day. 531

(See next sub-division, No. 2.)

—(4. District
Court of Phi-
ladelphia
(Vol. 5.) }

1. There shall be a court of record established in and for the city and county of Philadelphia, to be styled "The District Court for the city and county of Philadelphia," which shall consist of a president, and two assistant judges, any two of whom shall have power to try, hear and determine all civil pleas and actions, real, personal and mixed; and for the trial thereof, shall have and exercise the same powers, authorities and jurisdiction, as are vested by law in the court of common pleas; but the said court shall have no jurisdiction originally, or on appeal, except where the sum in controversy shall exceed one hundred dollars. 224
2. After the first Monday of June, 1811, all suits depending in the common pleas of Philadelphia county, where the sum in controversy exceeds one hundred dollars, to be transferred to the said district court, there to be heard, tried and determined; and the original jurisdiction of the said court of common pleas, of the city and county, in all civil actions, where the sum in controversy exceeds one hundred dollars, thenceforth to cease and determine. 224
3. No suit shall be removed from the district court, by *certiorari* or *habeas corpus*; but in all cases the final judgment of the said district court may be examined, and affirmed, or reversed, on a writ of error from the supreme court, in a similar manner, and subject to the same limitations and provisions under which writs of error are issued from the supreme court to the court of common pleas. 224
4. The district court to hold four terms a year; and the times fixed; and adjourned courts shall be held whenever the state of the business shall require it; and the court shall make such regulations of practice as may most facilitate the progress of justice:—But if the number of suits should render it necessary, the judges of the said court shall sit daily, (Sundays excepted) during at least nine months in every year, and the determination of no cause or action before the said court, shall be delayed beyond the fourth term, including that to which the said action was instituted, if the parties are prepared for trial at the times appointed by the said court; and wilful delay in the court shall constitute a misdemeanor in office. 224
5. Prothonotary of the common pleas to perform the duties of prothonotary in the district court, and sheriff and coroner of the city and county to obey the orders of said court, &c. 225
6. Salary of the president and associate judges fixed. (Salary of assistants increased, pa. 300.) 225
7. The act limited to six years. 225

—5. [Quarter
Sessions]
(Vol. 1.) }

1. The court of quarter sessions of the respective counties, from time to time, may make orders for building and erecting, or providing, one or more houses of correction, and work houses, with convenient back sides, or yards, thereunto adjoining, in some convenient places within their several counties, or towns corporate: For the doing and performing whereof, and for the providing stocks of money, goods, and all other things necessary for the same, all such orders as the said sessions shall from time to time, take, reform, or set down for erecting or providing such houses, raising the said stocks, and governing of the same, as also for correcting and punishment of offenders to be committed there, shall be of full force and be duly performed, and put in execution. 101-2
2. The sessions authorized to set the price of liquors, &c. retailed in public houses. 104
3. The sessions may issue executions against convicts imprisoned, to levy costs, and sums awarded to be paid by them, notwithstanding the imprisonment as part of the punishment. 122
4. Quarter sessions to be held in each county, four times a year. Justices to be appointed, who may hold the general sessions of the

peace and gaol delivery, according to law, and as fully and effectually, as any justice of the peace, justices of assize, justices of oyer and terminer, or of gaol delivery may, or can do. [Empowered to hold private sessions,] and every of them shall have full power and authority, in or out of sessions, to take all manner of obligations and recognizances as any justices of the peace, may, can, or usually do; all which recognizances and obligations shall be made to the [king and his successors,] and all recognizances for the peace, behaviour, or for appearance, which shall be taken by any of the said justices out of sessions, shall be certified into their said general sessions of the peace, to be holden next after the taking thereof; and every recognizance, taken before any of them, for suspicions of any manner of felony, or other crime, not triable in the said quarter sessions, &c. shall be certified before the justices of the supreme court of oyer and terminer, at their next succeeding court, to be holden next after the taking thereof, without concealment, detaining, or embezzling of the same. But if any person shall forfeit his recognizance, then the said recognizance, with the record of default, or cause of forfeiture, shall be certified without delay into said supreme court, &c. And how fines set in the sessions, were to be estreated, &c. And writs of error grantable by the supreme court, to the sessions, &c. (Act of 22d May, 1722.) . . . 136-7-8

- (Vol. 2.) 5. Keepers of county prisons to be appointed by the sheriffs, with the approbation of the sessions, in open court—and the quarter sessions shall have power, either *ex officio*, or upon information, against any such keeper, for partiality or cruelty, to call before them such keeper, together with the material witnesses, and enquire into his conduct, and if it shall appear that he has been guilty of gross partiality, or cruelty, may suspend, or remove him, &c. . . . 540
- (Vol. 3.) 6. In pursuance of the alterations and amendments in the constitution, it is declared, by act of 13th April, 1791, that the president and associate judges of the court of common pleas, respectively, shall have and execute all and singular the powers, jurisdictions and authorities of judges of the court of oyer and terminer, and general gaol delivery, and justices of the courts of quarter sessions of the peace, agreeably to the laws and constitution of the commonwealth. . . . 29
7. The quarter sessions of Philadelphia, authorized to enquire of, hear, try and determine, all offences committed within the district of Southwark, contrary to the act incorporating the same, or against any of the laws, ordinances, regulations or constitutions, that shall be made, ordained, or established, in pursuance of said act, and to punish the offenders as by the said laws, &c. shall be prescribed, or directed. . . . 134
8. The quarter sessions shall continue the sittings of said court, for the county of Philadelphia, for so many days as they shall deem necessary to finish the business thereof, and shall hold the same by adjournments, as often as occasion, in the opinion of the justices thereof, shall require it. . . . 338
9. Quarter sessions empowered to grant reviews of roads, &c. . . . 521
- (Vol. 4.) 10. The quarter sessions, within their respective counties, empowered to lay off, alter and divide townships. . . . 30
11. The quarter sessions of Philadelphia, empowered to enquire of, hear, try and determine, all offences committed against the act incorporating part of the township of Northern Liberties, or against any of the laws, ordinances or regulations, that shall be made, ordained or established, in pursuance of said act, and to punish the offenders as by the said laws, &c. shall be prescribed or directed, except where the fines, penalties, or forfeitures, shall not exceed twenty dollars, which shall be recovered before any justice, residing within the incorporated district, with appeal to the next common pleas, or sessions, for the party grieved, &c. . . . 39
12. The state divided into districts for holding courts:—the president and associate judges, or any two of them, shall hold the quarter

sessions court; the sessions to be holden four times a year;—where the term continues two weeks, the sessions to be holden during the first week of the term;—the said court vested with all the powers, &c. previously vested in the like courts. 273-4-6

13. Duties of the courts of quarter sessions, with respect to the calendar of prisoners under sentence of servitude, to be furnished by the gaoler to the county commissioners, and the erection of additional buildings necessary for the accommodation, and labour of the convicts. 394

14. It shall be the duty of the quarter sessions, at each court, to examine into the conduct of the gaoler, with respect to selling or delivering spirituous liquors, to prisoners and others, in gaol, &c. and, if necessary, to send for, and examine witnesses in this behalf. 394

15. Any one judge may adjourn, and continue the sessions, from day to day, in case of sickness of the judges, or interruption of the business of the court from other cause. 531

16. The respective courts of quarter sessions shall have jurisdiction to enforce the act for laying out public roads, &c. concurrent with justices of the peace; and in case of vacancy in the office of constable, to appoint another, as often as occasion may require, to continue until the next election by the people. 531

- (Vol. 5.) 17. Quarter sessions of the respective counties, on application to open a new road, or to vacate, or change the route of an old road, shall proceed by views and reviews, as heretofore practised in laying out roads and highways; and are authorized when they lay out a new road, or change the route of an old road, to vacate the whole, or any part of the old road, as circumstances may require; and report to be made as in case of views and reviews, &c. 54

18. The powers and authorities vested in the supreme executive council, by the 6th and 7th sections of the act of 29th September, 1787, (vol. 2, pa. 436-7,) for regulating the streets, &c. in Southwark, transferred to, and exclusively vested in the court of quarter sessions of Philadelphia, subject to appeal to, and revision by the supreme court. 259

19. The quarter sessions of Philadelphia vested with power and authority to enquire of, hear, try and determine, all offences committed against the act incorporating the township of Moyamensing, or against any of the laws, ordinances, or regulations, that shall be made, ordained or established, in pursuance of said act, and to punish offenders as by the said laws, &c. shall be prescribed or directed, except where the fines, penalties, or forfeitures shall not exceed fifty dollars, which shall be recoverable before any justice of the county, with appeal, for the party grieved, to the next common pleas, or sessions. 314

- [6. Oyer and Terminer. } 1. In pursuance of the alterations and amendments in the constitution, the president and associate judges of the court of common pleas, in each county, are declared to have all the powers, jurisdictions and authorities, of judges of the courts of oyer and terminer and general gaol delivery, agreeably to the laws and constitution of the commonwealth. 29
(Vol. 3.) }

- (Vol. 4.) 2. The president, and associate judges, or any two of them, the president being one, shall hold the court of oyer and terminer. 273

3. But any one judge may adjourn, and continue the said court, from day to day, in case of sickness, or interruption of the business of the court, from other cause. 531

- [7. Orphans' Court.] } 1. The orphans' court established—to be a court of record; may award process, and cause to come before them, all guardians, trustees, tutors, executors, and administrators, who shall be entrusted with, or be in any wise accountable for, any lands, tenements, goods, chattels, or estate, belonging to any orphan, or person under age, and cause them to make and exhibit, within a reasonable time, true and perfect inventories, and accounts of the said
(Vol. 1.) }

estates; and to cause and oblige the registers, having the power of probates of wills, and granting letters of administration, or their deputies, on application in that behalf, to bring and transmit to the said orphan's court, true copies, or duplicates, of all such bonds, inventories, accounts, actings and proceedings whatsoever, remaining or being in their respective offices, or elsewhere, within the limits of their authority, as concern or relate to the said estates, or any of them: to order fees to be paid therefor, and certify misbehaviour of said officers, &c. 81-2

2. Powers of the orphans' court, where the security of administrators is insufficient, or in case of waste, embezzlement, and misapplication of the estate—where an executrix is about to marry, &c.—and of putting minors' money to interest. (See, at large, title "Administration, No. 6, 7, 8, 9, 10, 11, 12, 36—and see vol. 3, pa. 296-7.) 82-3

3. The orphans' court shall have power to admit minors to make choice of guardians, or tutors, and to appoint guardians, next friends, or tutors over such as the court shall judge too young, or incapable, according to the rules of the common law, to make choice themselves: and, at the instance and request of executors, administrators, guardians or tutors, to order and direct the binding or putting out of minors apprentices to trades, husbandry, or other employments, as shall be thought fit. (See page 311.) 84

4. If any person, or persons, being duly summoned to appear in any orphans' court, ten days before the time appointed for their appearance, shall make default, the justices may send their attachments for contempt, and may force obedience to their warrants, sentences and orders, concerning any matter or thing cognizable in the same courts, by imprisonment of body, or sequestration of lands or goods, as fully as any court of equity may or can do—Appeal allowed to the supreme court, &c. 84

5. The orphans' court to bind apprentices, or commit the guardianship, only to persons of the same religious persuasion of the minors parents; and not against the minors will or inclination, so far as he has discretion and capacity to signify the same; nor to persons not of good repute, so as others of good credit, and of the same persuasion, may or can be found 85

6. The said courts shall have due regard to the direction of all last wills, and to the true intent and meaning of the testators, in all matters and things that shall be brought before them concerning the same. 85

7. This court revived and continued, with the same powers under the commonwealth. 430

8. The orphans' court to examine the record of annuities every three months, &c. 489

(Vol. 3.) 9. In pursuance of the alterations and amendments in the constitution, the president and associate judges of the common pleas, in each county, are declared to have all and singular the powers, jurisdictions and authorities of judges of the orphans' court, agreeably to the laws and constitution of the commonwealth; and the orphans' courts shall be held at such stated times, as the judges of the said court, in their respective counties, shall for each year ordain and establish. 30

10. Orphans' courts to compel the settlement of administration accounts, and make distribution, &c. 144

(See title "Administration," No. 29, 30.)

11. Of the power of the orphans' court to decree the sale of intestate's real estate for the payment of debts, and maintaining minor children, &c. 150-1

(See title "Administration," No. 32, 33)

12. Power of the orphans' court, in certain cases, to decree a conveyance by the sheriff, for lands sold under their order, on application of the purchaser. 500

(Vol. 4.) 13. Orphans' court empowered to decree a sale of intestate's real estate, which will not admit of division, and refused to be taken by the representatives at the appraisement. (See title "Intestates," No. 42. (So where divided, and any part is refused—same title, No. 46.) 184, 400, 519

14. Power of the court to decree partition or valuation, where lands lie in two or more adjoining counties, on the lines or borders thereof. . . . 246
(See title "Intestates," No. 44.)

15. By the act to alter the judiciary system, the judges of the courts of common pleas in each county, wherein the term of the common pleas is to continue for two weeks, or any two of them, the president being one, shall compose and hold the orphans' court in said counties in the first week of each term of the common pleas, and at such other times as they may think proper; and in each of the other counties, at such times as they may think proper; but any two of the judges in each county may hold the orphans' court in said county, for the appointment of guardians, and for the transacting, hearing and deciding upon any business in the orphans' court; but in case any person or persons interested in the business then before the court, shall request the same to be continued until the president can attend, in that case the business shall be continued accordingly. . . . 276

- (Vol. 5.) 16. Power of orphans' courts to issue citations to widows, to elect to accept or refuse any devise, or bequest, in lieu of dower. . . . 253

17. Power to decree a sale of real estate, on settlement of administration accounts, and a balance due, which there are no personal assets to satisfy—and also to decree contribution in such cases, among the heirs. . . . 258
(See title "Administration," No. 54.)

- [8. Register's Court.] } 1. In pursuance of the alterations and amendments in the constitution, it is declared, that the president and judges of the common pleas, or any two of them, and the register of wills, shall compose the register's court in each county, and shall have all and singular the powers, jurisdictions and authorities thereunto belonging. (So, vol. 4, pa. 275) . . . 30
(Vol. 3.) }

2. Upon the hearing of any cause litigated before the register's court, the depositions of the several witnesses examined therein, shall be taken in writing, and made part of the proceedings in the cause, upon which the court of errors and appeals may reverse the decree of the said register's courts for any error arising either in law or fact, or affirm the same, according to the merits and justice of the case. But if the register's court upon a dispute upon facts arising before them, shall send an issue into the court of common pleas, to try the said facts, which they shall do at the request of either party, and a verdict establishing the said facts be returned, the said facts shall not be re-examined on appeal; and no appeal from the decree of the said register's court, concerning the validity of a will, or the right to administer, shall stay the proceedings or prejudice the acts of any executor, or administrator, pending the same, provided the executor shall give sufficient security for the faithful execution of the will and testament, to the register; but on refusal so to do, the register shall grant letters of administration during the dispute which shall suspend the power of the executor during that time. (See vol. 1, pa. 39, 40, note.) . . . 34

3. From all acts and decisions of the several registers of wills, appeals shall lie to the respective register's courts, provided such appeals be made within the term of two years; and the usual saving in case of legal disability, if appeal be made within five years after the disability be removed. . . . 58

4. When any final decree or sentence shall be pronounced by any register's court, the party may appeal therefrom to the supreme court, in all cases, and instances, where the sum mentioned in the said decree, sentence or judgment, or the sum or other matter in controversy, shall exceed the sum of fifty pounds. (See vol. 5, pa. 17, § 6.) . . . 153

- [9. Admiralty Court—Prize Courts.] } 1. [Jurisdiction of the admiralty court enlarged—obsolete.] . . . 95
(Vol. 2.) } (See vol. 3, pa. 89.)

- (Vol. 5.) 2. No sentence, judgment, or decree, final or interlocutory, of any judge, court, board, council, or tribunal, having or exercising jurisdiction of prize, shall be conclusive in any case, of any fact, matter or thing, therein contained, stated, or expressed, except of the acts and doings of such judge, &c. But the legal effects of any such sentence, judgment or decree, on the property affected, or intended to be affected thereby, shall not be impaired, or destroyed. . . . 49, 50

- [10. Mayor's Court. (Vol. 2.)] } 1. The mayor, recorder and aldermen of the city of Philadelphia for the time being, shall severally, and respectively, have all the jurisdictions, powers and authorities of justices of the peace, and justices of oyer and terminer, and gaol delivery, of and for the said city, and shall act therein accordingly, jointly or severally, as fully and amply, as any justice of the peace, or of oyer and terminer, or gaol delivery, of or for any county, may or can do, in or for such county.——They, or any four, or more of them (whereof the mayor, or recorder, for the time being, shall be one,) shall have full power and authority, to inquire of, hear, try and determine, agreeably to the laws and constitution of this commonwealth, all larcinies, forgeries, perjuries, assaults and batteries, riots, routs, and unlawful assemblies, and all other offences committed within the said city, as are cognizable in any court of quarter sessions; and to punish all persons who shall be convicted of the same offences, or any of them, agreeably to law; and also to inquire of, hear, try and determine, all offences committed within the said city, against any of the laws, ordinances, regulations or constitutions, that shall be made, ordained, or established in pursuance of the act incorporating the city, and to punish the offenders as by the said laws, &c. shall be prescribed, or directed:—and also to impose fines on jurymen and others, according to law, and levy the same; and to award process, take recognizances for keeping the peace, good behaviour, appearance, or otherwise; or commit to prison, as occasion shall lawfully require, without being accountable to the commonwealth for any fines or amercements to be imposed for said offences, except such as shall be made payable into the state treasury, for offences against the commonwealth; and generally to do all such things, as the quarter sessions of any county can do; and shall keep a court of record within the said city, four times a year, to be called “The Mayor’s Court for the city of Philadelphia”—and to cause encroachments and nuisances, in the city, to be removed, and to punish the offenders therein, according to law, &c. . 467-8
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- But this section was repealed, 6th March, 1812. . 308-9
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- [13. Times of holding Courts.] (Vol. 4.) } 1. The times of holding courts in the several counties, established. . 274-5 6
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- (Vol. 5.) 4. The times of holding the courts in the sixth judicial district, altered. . 67
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9. A list of the names so drawn, shall then be fixed up in his office, and a copy shall be delivered by him to the prothonotary, who shall fix up the same in his office, for the inspection of all concerned: whereupon the usual <i>tenure</i> shall be made out by the prothonotary, containing the names of the persons mentioned in the list, so delivered and drawn, and within two days thereafter be delivered by him to the sheriff, who shall thereupon summon the persons named, at least ten days before the first day of the court.	237-8
10. The sheriff and commissioners shall always select and deposit such number of names in each wheel, that at the last drawing in every year, the number requisite for one jury, at least, shall remain in each wheel; and on every drawing, the wheels shall be locked and sealed, as before directed	238

11. For the city and county of Philadelphia, there shall be an additional wheel, No. 3, for special jurors, to be selected, summoned and returned, &c. as aforesaid. 238
12. And for the mayors' court, two wheels shall be provided, for grand and petit jurors, as is provided for the county courts; and the like proceedings to be had; but the selection shall be from citizens residing within the bounds of the city. 238
13. Jurors lawfully summoned, and not appearing, (due proof, on oath of sheriff, &c. being made of service, and no reasonable cause of absence appearing) shall forfeit and pay such fine, not exceeding twenty dollars, as the court shall think proper, to be levied by the sheriff within twenty days after the court, by virtue of a writ to be issued by the court, and paid to the county treasurer, and appropriated towards paying the expense of jurors; and the defaulter shall be returned at the next succeeding drawing of jurors, and his name be again put in the wheel; and so often as the same person shall make default, the like proceedings shall be had; but the name of any person summoned, attending and serving, shall not be put into the wheel a second time in the same year; penalty on sheriff for offences against this act, on conviction, to be paid and appropriated as aforesaid. 238
14. Sheriff and commissioners to take an oath (prescribed) for the impartial return of jurors; and in case of inability (by death, resignation, or otherwise,) of the sheriff; the coroner shall perform such duties, first taking the same oath, as prescribed. 239
15. The sheriff, or coroner, (as the case may be,) upon the return of the process to the respective courts, shall annex a panel to the writ, containing the christian and surnames, additions and places of abode of a competent number of jurors, the names of the same persons to be inserted in the panel, annexed to every such writ, for the trial of all issues in the said courts, respectively; and the number of jurors to be returned to the particular courts, respectively prescribed. 239-40
16. The jury to be ballotted for, and the mode prescribed; and if any of the persons whose names shall be drawn, shall not appear, or be challenged and set aside, others shall be drawn, until twelve of those who appear, and who be not set aside, be had to serve on the jury, &c. And the papers which bear the names of the persons drawn, sworn or affirmed, shall be kept by themselves, in a separate box, until they shall give in their verdict, and the same be recorded, or they be discharged, when they shall again be rolled up, and returned into the box with the undrawn names, &c.—and if a second cause come on, before the verdict is given in the first, the jury shall be drawn from the remaining names, &c. 240-1
17. If by reason of default in appearing, challenges, or otherwise, there be not a sufficient number of jurors for the trial of any cause the jury shall be filled from the qualified by-standers, to be immediately summoned and returned by the sheriff, &c. upon the same penalty for refusing to serve, as in other cases, &c. 241
18. On a rule for a special jury, the parties shall strike the same in the prothonotary's office, from the list drawn from the proper wheel as directed, *supra*, No. 8—and where a view shall be allowed, six of the first twelve, or more, named in the panel, shall be taken by the sheriff, &c. who shall have the view, and such of the viewers who appear, shall be first sworn or affirmed, and the residue, only, shall be ballotted for. 241-2
19. The sheriff shall keep a register of the persons summoned, and attending, &c. 242
20. The party obtaining the verdict, shall pay four dollars to the sheriff, which shall be taxed with the costs, and repaid by the party against whom the verdict is given, &c. for the use of the party advancing it—which sum shall be paid by the sheriff to the county treasurer, as a fund towards paying jurors, who shall be paid by

the treasurer, on the clerk's certificate, and commissioner's warrant, one dollar a day each, for the time they attended.	Page 242
21. In counties where the term continues two weeks, two juries shall be drawn, one for each week; and a sufficient additional number of names shall be selected and put in the wheel; and the forty eight first drawn names shall be summoned as petit jurors, the first week, for the sessions; and the thirty six next drawn, shall be summoned and returned for the second week, for the common pleas.	274
22. The oath, or affirmation, to be taken by jurors, prescribed.	329
23. Whenever any process shall be issued for summoning a jury, in any court, the sheriff, immediately on receiving the same, shall give notice to the commissioners, who, with the sheriff, shall proceed to draw out of the proper wheel, the names of as many jurors as are to be summoned on such process, &c. and the sheriff shall summon them at least ten days previous to the sitting of such court, and make return in what manner he has served such process. (See vol. 5, pa. 59.)	390
24. The prothonotaries, or clerks of the several courts, shall, after the end of each term or session, certify to the sheriff and commissioners, the names of the jurors who appeared and served at such court, as also those who made default, or were excused, privileged, or exempted; and the names of those who made default, or were excused, shall be returned immediately to the wheel; but those privileged, or exempted, shall not again be put into the wheel.	390
25. The number of special jurors to be drawn, summoned and returned for the court of common pleas, or <i>nisi prius</i> , in Philadelphia, shall be forty-eight, and the number of common, or general jurors, not less than forty-eight, nor more than sixty; and in any other county, not less than thirty-six, nor more than sixty.	391
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28. The jurors to be drawn and summoned, for Schuylkill, Cambria and Venango counties, shall not be less than twenty-four, nor more than thirty.	299, 300
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JUSTICES. } 1. One justice may bind over, to be of good behaviour, and to keep the peace, &c.	5
(Vol. 1.) } 2. Five pounds penalty on a justice, who shall not, within twenty-four hours after complaint made, issue his warrant, directed to the next constable, for apprehending and seizing runaway servants, and commit them to the custody of the sheriff.	11
3. The duties of justices, in performing the marriage ceremony, prescribed.	21, 180
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8. Any justice of the peace authorized to commit idle and disorderly persons, vagrants, &c. to the work house, to be kept at hard labour, not ex-	

ceeding one month, on conviction before him, &c.—Appeal to the next sessions for the party grieved. . . . 269

9. No writ or process shall be served on any justice, for any thing done in the execution of his office, until notice be given in writing, containing the cause of action, &c. and he may tender amends within thirty days thereafter; or having neglected to tender amends, or having tendered, insufficient amends, he may pay into court, before issue joined, as much as he sees fit, &c. and in default of such notice, plaintiff shall not recover, but the justice shall have the verdict and his costs: and no evidence shall be permitted to be given by the plaintiff, on the trial of any such action, of any cause of action, except such as is specially contained in such notice.—But if plaintiff obtain a verdict, if the judges before whom the cause shall be tried, shall certify on the back of the record, that the injury for which such action was brought, was wilfully and maliciously committed, the plaintiff shall have double costs of suit.—This action to be brought within six months after the act committed. . . . 364-6

10. (Duties of justices in disputes between masters and apprentices—See title “Apprentices,” No. 2, 3, 4, 5, 6, 7.)

11. For misprison of treason, any justice of the peace, on complaint to him made, on oath, &c. shall cause the offender to come before him, and enter into a recognizance, with one or more sufficient surety or sureties, to appear at the next sessions to abide the judgment of the court, and in the meantime to keep the peace, and be of good behaviour, &c. and for want of such surety, shall commit him to prison. . . . 436

- (Vol. 2.) 12. Justices of the peace, who shall receive, or be accountable to the commonwealth, for any fine, issues, amercements, forfeited recognizances, or other forfeitures, shall, within three months after receiving any such sum of money, pay the same into the hands of the respective sheriffs; and on neglect, or refusal so to do, or wittingly and willingly, sparing, taking off, discharging, or concealing any fine, &c. whatsoever, which ought to be paid by them, any justice so offending, shall be indicted and fined for every such offence, at the discretion of the court. . . . 85-6

13. [Summary jurisdiction of the mayor and aldermen of the city of Philadelphia, for the recovery of debts under forty shillings.] The justices of the peace of the county of Philadelphia, to have no more jurisdiction in the city, than the mayor and aldermen have in the county. . . . 470

- (Vol. 3.) 14. Justices of the peace and aldermen, shall give a receipt for the laws of the commonwealth, delivered, or distributed to them; in which receipt a clause shall be inserted, obliging them, respectively, to deliver them over to their successors in office. . . . 97

15. Fees of justices of the peace, prescribed. . . . 254

16. The powers of justices of the peace, and aldermen, extended to actions for the recovery of damages for any trespass, wrong or injury, done or committed against the real or personal estate of the plaintiff, in all such cases where the said damages shall not exceed the sum of [twenty] dollars; and the justice, &c. before whom such action is brought, at the request of either plaintiff or defendant, shall appoint three reputable citizens, to be chosen by the parties, or, if they cannot agree, then to be nominated by the justice, &c. who shall administer the oath, &c. to the persons so chosen or appointed, justly and truly to assess the damages, (if any) which plaintiff has sustained; and after the referees, by view, or otherwise, have inquired into the truth of the case, and made report thereof in writing to the justice, &c. judgment shall be entered thereon, and execution issue, as in other cases. But if the damages shall not amount to more than one dollar, plaintiff shall not recover more costs than damages: and if defendant, before the appointment of referees, shall make oath, &c. that the title to lands will come in question in such suit, then the justice shall dismiss the same, that it may be tried according to the course of the common law. . . . 354

(This act revived and made perpetual, vol. 4, pa. 103, *infra*, No. 32, 34.)

17. The powers of the justices, &c. extended to all cases of rent, not exceeding fifty three dollars and one third; and the justice before whom a suit is commenced for the recovery of rent, shall have authority to admit a defalcation, or set off of the just account of the tenant out of the same;

and the landlord may prosecute the said suit to judgment and execution, as in other cases, or may waive further proceedings, and distrain, &c. 355

18. Where a landlord distrains for rent, not exceeding fifty-three dollars and one third, and tenant has a just account to set off against the same, the justice, &c. may issue process against the landlord, to compel him to appear and shew cause, why tenants' demand should not be allowed; and on his appearance, or refusal or neglect to appear, if justice, &c. shall be satisfied of the justice of tenants' account, the same shall be defalked out of his arrears of rent, and the distress shall proceed for no more than the balance, &c. 355

(So, by the act of 20th March, 1810, § 20, the powers of justices shall extend to all cases of rent not exceeding one hundred dollars, so far as to compel the landlord to defalcate, or set off the just account of the tenant out of the same; but the landlord may waive further proceedings, and pursue the method of distress for the balance; but no appeal in the case of rent, but the remedy by replevin to remain as heretofore, vol. 5, pa. 170-1.)

19. In all cases where the powers of the justices are here extended, the parties shall have the same right of removal, although the case in dispute may not amount to ten pounds, and appeal, as in other cases. 355

20. This act not to extend to ejectments, replevin in cases of actual distress, slander, actions on real contracts for the sale and conveyance of lands and tenements, assault and battery, wounding, or maiming, or actions for false imprisonment. 355

21. Justices may issue warrants to oblige offenders against the "act against forcible entry"—"an act against removing land marks"—"an act against defacers of charters," and "an act against cutting timber trees," to find surety for their appearance at court, and to be of good behaviour in the mean time, or in default of surety, to commit them to prison. 356

(Same provision in the act of 20th March, 1810, § 27, but omitting the "act against cutting timber trees," vol. 5, pa. 173.)

22. No justice shall act as such, unless he shall reside within the limits of the district for which he was commissioned. 490

23. No license for keeping a tavern shall be granted, directly, or indirectly, to any person, who at the same time holds a commission of the peace; and if any justice or alderman, shall keep his stated office, in any tavern, or building appertaining thereto, he shall pay fifty dollars on conviction of every such offence. 490-1

- (Vol. 4.) 24. Any justice who shall receive, by virtue of any act of assembly, any fine, penalty or forfeiture, appropriated to, or for the use of the poor, shall forthwith enter at length on his docket, the name of the person convicted, the offence committed, the amount of the fine, penalty, or forfeiture, and the time when the same was paid; and forthwith deliver a transcript of such entry to some constable, to be delivered by him to one of the overseers of the poor, &c.—and the justice shall, within two weeks after the receipt of such money, if demanded, pay over the same to the overseers of the poor lawfully intitled thereto; and moreover, shall, annually, at the settlement of the accounts of the supervisors of the highways of the township in which he resides, exhibit his docket, if required, to the inspection of the persons elected to settle and adjust said accounts. 97

25. Justice neglecting this duty, to be indicted, and on conviction, deemed guilty of misbehaviour in office, and fined, &c. and if convicted of neglecting or refusing to pay over monies so received by him, he shall be further fined not exceeding double the sum neglected, or refused to be paid over, &c. 98

26. Fines how to be recovered from justices, by the overseers of the poor. 98

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27. These provisions extended to the city of Philadelphia.	100
28. Districts to be laid out for the appointment of justices of the peace.	96
29. On complaint made to any judge, in writing, signed by at least twenty taxable inhabitants, against any justice, such judge shall issue process to any constable, commanding him to summon such justice, to appear before him on a day to be mentioned therein, not more than ten, nor less than five days from the date of the process; and also to issue compulsory process to compel the attendance, as well of the witnesses named by complainants, as by the justice, and on the day appointed for a hearing, the judge shall examine the witnesses on both sides; write down the depositions, &c. seal up and transmit the same to the secretary of the commonwealth, who shall lay them before the legislature.	107-8
30. The justices of Centre county excluded from jurisdiction, in civil cases, in the county districts of Clearfield and McKean.	223
31. Certain powers vested in justices, to compromise assaults and batteries. (See title "Assault and battery.")	318-19
32. When any justice, or alderman, shall have issued his precept, in case of damage under twenty dollars, if either party shall fail to appear before such justice, &c. on the return day of the precept, the justice, &c. having first ascertained that the precept was regularly served, by the oath, &c. of the constable serving the same, shall proceed to appoint three reputable citizens, whose duty it shall be to enquire into the truth of the case, and upon view, or otherwise, justly and truly to assess the damages, (if any) which plaintiff may have sustained, and make report to the justice, &c. in writing, signed by the said referees, or any two of them; and judgment shall be entered, and execution issue for the amount so assessed, with costs, as in other cases, (<i>supra</i> , No. 16, <i>infra</i> , No. 34.)	326
33. Certain militia fines to be recovered before justices of the peace, &c.	431
34. The power and jurisdiction of justices, under the damage act, extended to fifty dollars, subject to all the provisions, rules, regulations and restrictions contained in the original act, (<i>supra</i> , No. 16, to 19, and No. 32.)	470
35. The proceedings of certain justices in the county of Adams, validated and confirmed.	493
(Vol 5.) 36. The jurisdiction of aldermen and justices extended to <i>trover</i> and conversion, amounting to thirty dollars, subject to the rules and regulations of the act of 1st March, 1799, (<i>supra</i> , No. 16 to 19.)	62
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38. Justices directed to make a record of the certificates of fines inflicted by arbitrators, under the authority of the arbitration act of 20th March, 1810, and to proceed to recover and collect the same, and pay them to the county treasurer, &c.	138
39. Justices shall have jurisdiction of all causes of action arising from contract, either expressed or implied, in all cases where the sum demanded is not above one hundred dollars; except in cases of real contract, where the title to lands or tenements may come in question, or action upon promise of marriage.	161
40. On complaint made to them touching any such demand, they shall issue a summons, if the party complained of be a freeholder; if not, either a summons, or warrant of arrest, directed to the constable of the township, ward, or district, where the defendant usually resides, or can be found, or to the next constable most convenient to the defendant;—if on a summons, commanding him to cause the said defendant to appear before the said justice on a certain day therein to be expressed, not more than eight, nor less than five days after the date of the summons—and how the same shall be served—or bail taken, and proceedings thereon—see title "Constable."	162

41. If the parties appear, in person, or by agent, the justice shall proceed to hear their proofs and allegations, and if the demand shall not exceed five dollars and thirty three cents, shall give judgment as to right and justice may belong, which shall be final. ✓ . 162-3
42. But if the sum, or demand in controversy, be more than that sum, and shall not exceed one hundred dollars, and either party shall refuse to submit the determination of the cause to the justice, he shall, in that case request them to choose referees, one, two, or three, each, and mutually agree on a third, fifth, or seventh man, all of whom shall be sworn or affirmed, well and truly to try all matters in variance between the parties, submitted to them : and on having heard their proofs and allegations, they, or a majority of them, shall make out an award under their hands, and transmit the same to such justice, who shall thereupon enter judgment for the sum awarded, and costs, and shall allow each of the referees fifty cents a day, for his service ; which judgment so obtained, when not exceeding twenty dollars, shall be final and conclusive to both plaintiff and defendant, without further appeal. . 163

—Justice to notify the referees, through a constable, &c.—penalty on their refusing to serve, &c. and how recovered, within thirty days. . 163
43. If either party refuse to refer, the justice may proceed to hear their proofs and allegations, and thereupon give judgment, publicly, as to him of right may appear to belong ; either party having the right to appeal within twenty days after judgment being given, either by the justice alone, or on the award of referees, when such award shall exceed the sum of twenty dollars. . 163
44. If the parties are dismissed before an appeal is made, the justice shall, at the instance of the appellant, notify, through a constable, or other fit person, the adverse party to appear before him on some day certain, and if the parties appear, the justice, with consent of the parties, may open his judgment, and give them another hearing. . 163
45. But if they will not agree to such re-hearing, the appellant shall be bound with surety in the nature of special bail, unless he be an executor, or administrator, body corporate or politic, in all or either of which cases, he may appeal without such surety, whether the appellee appear or not, if the plaintiff, in a sum sufficient to cover all the costs which have or may accrue, with four dollars as a council fee, and fifty cents *per* day for every day the appellee shall attend on such appeal, which appellant shall be bound to pay, if judgment be affirmed, or if he shall recover less than the amount of the judgment of the justice ;—and if defendant be appellant, he shall be bound with surety as aforesaid, in a sum sufficient to cover the sum in controversy, all the costs, council fee, and daily pay aforesaid, which he shall be bound to pay if the judgment be affirmed, or, if plaintiff shall recover more than the amount of the judgment of the justice. . 163-4
46. But on the reversal, or abatement of the amount of a judgment, on an appeal, the defendant, if the appellant, shall be allowed his daily pay, counsel fee, and costs, only in case he produces no evidence before the court, other than that which he exhibited before the justice or referees ; or in case of his having offered security as aforesaid, if he is not a freeholder, for his appearance on an after day, or being a freeholder, was refused time to prepare or produce his proof ; or, in case of a judgment against him by default, the plaintiff refused his consent to a re-hearing ;—which costs shall be taxed by the court ; and all which proceeding so had before the justice, shall be entered at large by him, in a docket or book, to be kept by him for that purpose, in which he shall state the kind of evidence upon which the plaintiff's demand may be founded, whether upon bond, note, penal or single bill, writing obligatory, book debt, damages on assumption, or whatever it may be ; and the whole proceeding in case of appeal, shall be certified to the prothonotary of the proper county, who shall enter the same on

- his docket, and the suit shall from thence take grade with, and be subject to the same rules as other actions; and the costs accrued before the justice shall await the event of the suit. . . . 164
47. If appellant enter bail to appeal, within twenty days after judgment given, such appeal shall be effectual, if the transcript be filed in prothonotary's office on or before the first day of the next term of the common pleas, after entering such bail. . . . 164
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49. Provision in favour of executors, &c. in case of deficiency of assets. (See titles "Administration," No. 50, and "Assets," No. 3.) . . . 164
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- (See title "Judgment.")
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LANDLORD
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"Replevin.")

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2. Penalty on tenant secreting declarations in ejectment. (See title "Ejectment.") 372
3. Where lands, &c. have been leased to any person, for one or more years, or at will, and the landlord shall be desirous, on the determination thereof, to re-possess the demised estate, and shall demand or require the tenant to remove from the same, and tenant refuse to comply therewith, in three months after such request, the landlord, his heirs or assigns, may complain to two justices of the city, town or county, where the demised premises are situated, and on due proof made before them that the landlord had been peaceably and quietly possessed of the lands, &c. required to be delivered up, and had demised the same, under certain rents to the then tenant, or some person under whom he claims, or came into possession, and that the term is fully ended, then in such case the said justices shall forthwith issue their warrant, in nature of a summons, directed to the sheriff of the county, commanding him to summon twelve substantial freeholders, to appear before the justices, within four days thereafter, and also to summon the tenant, or other person, &c. to appear before them at the same time, to shew cause, if any he has, why restitution of the demised premises should not be forthwith made, &c. and if on hearing of the parties, or tenant neglecting to appear, it shall appear to the justices and freeholders, that the landlord had been possessed, &c. had demised, &c. that the term is fully ended, and demand had been made, &c. then, and in every such case, the justices shall make a record of such finding, &c. and the freeholders shall assess such damages as they think right against the tenant, &c. for the unjust detention, which damages and reasonable costs, the justices shall enter judgment for, which shall be final and conclusive to the parties; and the justices shall issue their warrant of restitution, and to levy the damages and costs, &c. to the sheriff of the county. 373-4

4. But if tenant shall allege that the title is disputed, or claimed by some other person whom he shall name, in virtue of a right accrued since the commencement of the lease, by descent, deed, or will of landlord; and the person so claiming, shall forthwith, or on a summons immediately to be issued, returnable in six days next following, appear before the justices, and make oath, &c. that he verily believes he is entitled to the premises in dispute, and shall enter into a recognizance, &c. to prosecute his claim at the next court of common pleas, then the justices shall forbear to give judgment; but if not prosecuted, &c. the recognizance shall be forfeited to the use of the landlord, and the justices shall proceed to give judgment and award restitution, &c. 374-5

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- ... By the act to enable purchasers at sheriffs' or coroners' sales, to obtain possession, a similar remedy is provided for the purchaser to recover the possession from the defendant in the execution, or those in possession under him—and also a similar provision as in No. 4, for the tenant who disclaims to hold under the defendant in the execution. 530-2

5. The purchaser shall stand in the place of the landlord, where the land sold is under lease, and shall have the like remedies as landlord to recover the rents, &c. 532-3

6. Tenants, within three months after demand made, shall give security to such purchaser for the mesne profits which may accrue, pending any suit for recovery of possession, until the final decision; and in case of refusal, the purchaser may proceed by distress to recover the same, &c. 533

7. Under the general road law, the tenants of non residents shall be liable for the road taxes ; but may deduct it out of their rents ; but contracts between landlord and tenant respecting the payment of the road tax, not to be hereby affected. (And see " Rates and levies," No. 13.) 516

(Vol. 5.) 8. The power of justices of the peace extended to all cases of rent, not exceeding one hundred dollars, so far as to compel the landlord to defalcate, or set off the just account of the tenant out of the same ; but the landlord may waive further proceedings before the justice, and pursue the method of distress, in the usual manner, for the balance so settled ; but if any landlord shall be convicted, after such waiver, in any court of record, of distraining for, and selling more than the amount of such balance, and of detaining the surplus in his hands, he shall forfeit to the tenant four times the amount of the sum detained, &c. (See vol. 3, pa. 355, and title " Justices," No. 18-19.) 170-1

LAND-MARKS. } 1. No person shall cut, fell, alter, or remove any certain bounded
(Vol. 1.) } tree, or other allowed land-mark, to the wrong of his neighbour, or any other person, under the penalty of any sum, not less than ten pounds. 4
(—This offence made indictable, in the quarter sessions, vol. 3, pa. 356—vol. 5, pa. 173.)

LAND OFFICE. } 1. The proprietary estates vested in the commonwealth, and the
(Vol. 1.) } whole right of soil, &c. The same to be at the disposal of the legislature ; and quit rents abolished : reserving to the late proprietors their private estates, and proprietary tenths or manors, and the quit rents thereon, and sales of such estates made by them confirmed ; provided they were duly surveyed and returned into the land office, on or before the 4th July, 1776. 479-481

2. All and every the rights, titles, estates, claims and demands, which were granted by, or derived from the said proprietaries, their officers, or others by them duly commissioned, authorized and appointed, or otherwise, or to which any person or persons, other than the said proprietaries, were, or are, intitled, either in law, or equity, by virtue of any deed, patent, warrant or survey, of, in, or to any part or portion of the lands comprised and contained within the limits of this state, or by virtue of any location filed in the land office, at any time or times before the 4th July, 1776, are confirmed, ratified and established forever, according to such estate or estates, rights or interests, and under such limitations and uses, as in and by the several and respective grants and conveyances thereof, are directed and appointed. 481

3. All arrears of purchase money, other than for the tenths or manors, shall be accounted to be due and payable to the commonwealth. 481

4. All books, papers or records, &c. belonging to the land office, to be delivered up by the former officers, or possessors thereof, under a certain penalty. 483

[9th April, 1781]. 5. The land office constituted, and to consist of the secretary of the land office, receiver general and surveyor general ; into which office shall be removed and safely kept, all the records and papers of the former land office, or board of property, &c. and all future grants and confirmations of lands shall issue from the said office, &c. 529

6. The said officers were to be appointed [by the executive council for five years, unless sooner removed by the general assembly, and to receive the former usual fees, until altered by the legislature,] with power to appoint deputies or clerks, &c. for whose conduct they shall be responsible ; and copies of records, entries and papers, of the said office, duly attested by them or their lawful deputies, under their hand and seal of office, shall be as good evidence as the original, by law, might or could be.—The said officers to give bond and surety, &c. before they proceed to act. 530

7. The surveyor general may appoint a deputy, or deputies, in any county, who shall have power to make and return into the land-office, surveys of land only in the county for which he or they shall

be appointed ; for the conduct of whom the surveyor general was made responsible by this act. 530

8. Persons intitled, either in law or equity, to lands within the limits of the Indian purchase, by virtue of any grant, warrant or location, before 10th December, 1776, on which patents had not issued, on payment to the receiver general of the purchase money, or arrearages thereof, with interest agreed on for said lands, with office fees,—or if no purchase money or interest remained due, then on payment of the office fees, were intitled to receive patents for the same. 530

9. And where surveys had not been made or returned to the former land office, on any grant, warrant, or location, issued before said 10th December, the owner, on application to the land office, at any time within one year, and paying one third of the purchase money and interest due on the same, was intitled to receive an order, directed to the surveyor general, to have the same surveyed and returned ; and after such survey and return, on paying the residue, to receive a patent and confirmation of the same. 530

10. All purchase money due for lands taken up, or entries thereof made, by any grant, license, warrant, application, or office right whatever, before said 10th December, was directed to be paid in four annual instalments ; and on failure, the lands were directed to be sold by the sheriff, on warrants issued by the county commissioners, except where actual settlements had been made, and where the owner and owners of such lands had been driven away by the power of the enemy ; and the officers of the land office were directed to transmit a list of delinquents to the county commissioners. (This is obsolete, (*infra*, No. 21, 63, 68, 70, 119, 122, 136, 152.) 551

11. All lands surveyed before passing this act, under any grant, warrant, location, or other office right, if not returned were to be returned within nine months thereafter ; and penalty on surveyor for refusing to return them, on demand, and payment of his legal fees, (*infra*, No. 21.) 531

12. The form of patents prescribed. 531

13. All lands granted, shall be free and clear of all reservations and restrictions as to mines, royalties, quit rents, or otherwise, and shall be held unconditionally, &c. clear and exonerated from any charge or incumbrance whatsoever, excepting the debts of the owner, and reserving only the fifth part of all gold and silver ore, for the use of the commonwealth, to be delivered at the pit's mouth, clear of all charges. 532

14. This act not to extend, or be construed to extend, to give validity to any grant, warrant, or location, issued after 4th July, 1776, for any lands or lots within ten miles of the city of Philadelphia, or within three miles of any county town ;—or, to any warrant, grant or location, for a greater quantity of land than five hundred acres in one tract, or to any lands or lots not granted in the usual forms of the land office, or to lands not within the Indian purchase. 532

[10th April,
1781.]

15. No person shall have or maintain any action against the commonwealth, for any lands, tenements or hereditaments, within Pennsylvania, by virtue of any grant or conveyance of the original proprietor to his or her ancestor, or predecessor, or to the ancestor, or predecessor of his or her grantor, unless the same be prosecuted within seven years after publication of this act ;—or, by virtue of any grant or conveyance of the subsequent proprietaries, (lands in the counties of Bedford, Northumberland, Westmoreland and Washington, only excepted,) but within ten years from such publication ; and in default thereof, every such claimant shall be utterly barred and excluded from any entry, right of entry, title, property and demand, in or upon such lands, or any suit whatsoever, in law or equity for the same, (*infra*, No. 27.) 535

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[25th June,
1781.]

16. A location declared to be “an application made by any person or persons for land in the office of the secretary of the late land office, and entered in the books of the said office, numbered, and sent to the surveyor general's office. 7

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17. [President, or vice-president to sign all warrants, &c.—obsolete.]	7
18. [Receiver-general to pay all monies to the state treasurer, once a month, obsolete.]	7
19. Rate of exchange fixed at one hundred and sixty-six and two thirds of the currency of this state, for one hundred pounds sterling.	7
[5th April, 1762] 20. Board of property constituted.	14
(See title "Board of Property," No. 2, 3)	
21. Further time given for the payment of the purchase money; and also, that the surveyor-general shall receive returns of such surveys, as shall appear to him to have been faithfully and regularly made, from the late deputy surveyors, their heirs, or legal representatives, for such fur her period as to him shall seem just and reasonable, &c. (<i>supra</i> , No. 10, 11, <i>infra</i> , No. 63, 68, 70, 119, 120, 136, 152.)	14, 15
[12th March, 1783.] 22. The depreciation land described;—to be surveyed, and laid out in lots, and sold, &c.—The donation land located and appropriated, &c.	62-3
(See titles "Depreciation Lands"—"Donation Lands.")	
23. No improvement, location, warrant, grant, right, title, or claim whatsoever, made or procured by, from or under any Indian nation, or nations, the late proprietors, or any other person, or persons whatsoever, for, or upon the lands contained within the limits of the said depreciation and donation districts, or any part thereof, shall be valid, or of any effect, in law or equity, but the same shall be null and void, to all intents and purposes whatsoever.	64
[1st April, 1784.] 24. The land office to be opened for the lands already purchased of the Indians, on the first July, 1784, at the rate of ten pounds for every hundred acres—with the usual fees of granting, surveying and patenting, excepting such tracts as shall be surveyed west of the Allegheny mountain, which shall be three pounds ten shillings, and no more. And the officers of the land office are empowered and directed to do and perform every act and thing incident, or in any wise appertaining to their said offices, with respect to receiving, filing, and entering locations, granting warrants on the same, receiving the consideration, directing copies of warrants, or other rights, receiving returns, and issuing patents of confirmation, agreeable to the former customs and usages of the said offices, (<i>infra</i> , No. 76.)	102
25. Every applicant for lands shall produce to the secretary of the land office, a particular description of the lands applied for, with a certificate from two justices of the peace of the proper county, specifying whether the said lands be improved, or no, and if improved, how long since the said improvement was made, that interest may be charged accordingly.	103
26. The quantity of land granted to any one person, shall not exceed four hundred acres; and all grantees under this act, as well as claimants of unpatented lands, were confined to the same time with respect to patenting, as limited and directed, (<i>supra</i> , No. 10, 21.)	103
27. Persons possessed of old rights, unsatisfied warrants, or other grants from the late proprietors, were confined, in locating the same, to the lands already purchased from the Indians, (<i>supra</i> , No. 15.)	103
28. And to prevent disputes touching the same, it was enjoined on the commissioners, then appointed for making a further purchase of the Indians, to ascertain, in their negotiations with the Indians, with the greatest possible precision, the line between the lands already purchased, and those to be then purchased by them, (<i>infra</i> No. 34.)	103
29. [As soon as this new purchase was completed, the executive council was to give official notice thereof to the surveyor-general, who was directed to appoint district surveyors to survey, and lay out the same; and the land officers were further directed to proceed to sell the same at public auction, and to allow two years credit for half the purchase money, if desired by the purchaser—repealed, <i>infra</i> , No. 35.]	103
30. [Certain certificates to be received in payment of the purchase money, obsolete. See title "Certificates," No. 1.]	104
31. [Receiver-general to account for, with, and pay over the certificates received by him, to the comptroller-general—obsolete.]	105
32. [Deputy surveyors, how to be paid for such surveys—obsolete.]	105

- [Same day.] 33. By an agreement for settling the boundaries between *Virginia* and *Pennsylvania*, signed 31st August, 1779, and ratified by resolution of the legislature of *Pennsylvania*, 23d September, 1780, it was mutually stipulated, "That the private property and rights of all persons, acquired under, and founded on, or recognized by, the laws of either country, previous to the date thereof, be saved and confirmed to them, although they should be found to fall within the other; and that in the decision of disputes thereon, preference shall be given to the elder, or prior right, whichever of the said states the same shall have been acquired under, such person paying, within whose boundary their lands shall be included, the same purchase or consideration money, which would have been due from them to the state, under which they claimed the right, &c." . 262
- [21st December, 1784.] 34. The directions given to the commissioners (*supra*, No. 28.) declared not to give, nor ought to be construed to give, them, any authority to ascertain, definitively, the said boundary lines; and that the lines of the purchase of 1768, striking the line of the west branch of *Susquehanna*, at the mouth of *Lycoming* creek, shall be the boundaries of the same purchase, to all legal intents and purposes, until the legislature shall otherwise regulate and declare the same. . 273
- (*infra*, No. 41.) 35. The act of 1st April, 1784, (*supra*, No. 29,) so far as it directs and authorizes laying out the lands in the new purchase, in lots, and selling the same by auction, and also as to giving credit for any part of the purchase money, is repealed. . 275
36. From and after the 1st of May, 1785, the land office shall be opened for the lands within the new purchase, (the depreciation and donation districts only excepted) at and after the rate of thirty pounds for every hundred acres of the same, such application, or the survey thereof to be made, not to exceed one thousand acres, and the usual allowance.—Each applicant, before any shall issue for the lands applied for, shall produce to the secretary of the land office, an acquittance signed by the receiver-general, that the full purchase and consideration, has been paid and satisfied—and certain bills of credit and certificates, &c. to be received in payment, (*infra*, No. 72, 76.) . 273-4
37. Any warrant, issued in pursuance of this act, shall not be confined to any particular place, but shall enable the applicant to get the same located upon any vacant land, where he shall think fit (except as aforesaid) and the land which shall be surveyed on any such warrant, shall not exceed the number of acres expressed therein, and shall be located and surveyed in one tract, or parcel, (*infra*, No. 83.) . 274
38. All and every person or persons, and their legal representatives, who has or have heretofore settled on the north side of the west branch of *Susquehanna*, upon the Indian territory, between *Lycoming* creek on the east, and *Pine* creek on the west, as well as other lands within the residuary purchase from the Indians, (except as before) shall be allowed a right of pre-emption to their respective possessions, at the price aforesaid. . 274
39. But no person shall be intitled to such pre-emption, unless he, she or they shall have made actual settlement before the year 1780; and no such claim shall be admitted, to or under any such person or persons, for more than three hundred acres of land and allowance, to be surveyed together, and in one tract, nor unless application for the same be made, and the consideration thereof tendered to the receiver-general, on or before the 1st November, 1785. . 274
- [24th March, 1785.] 40. Donation lands, how to be surveyed and distributed, (obsolete.) 290
- [8th April, 1785.] 41. By the act to provide further regulations, whereby to secure fair and equal proceedings in the land office, and in the surveying of lands, from and after the time assigned for opening the said land office, (1st May, 1785, *supra*, No. 36,) until the end of the tenth day thereafter, being the eleventh day of the month, the secretary of the land office, upon the whole of the purchase money being deposited in the hands of the receiver-general, and not otherwise, and upon acquittance for the same being shewn to him, is directed to receive and file all applications made to him for lands within the new purchase, not exceeding one thousand acres in one application, numbering them, respectively, from No. 1, after the common progression, to the last which shall be received within the same ten days; and every

application to set forth, in words at length, and not in figures only, the number of acres asked by each applicant, respectively; after which the secretary shall proceed to enter all such applications, and to make a fair and accurate list thereof, and on each application so entered, issue a warrant for such quantity, not exceeding one thousand acres, as is contained in the applications, respectively, to the person intitled to the same, giving preference and priority of number to him to whom such preference and priority shall fall, upon a fair lottery, as directed in this act, and so to the next in order, until a warrant be issued upon every of the said applications, according to their preference and order to be adjusted as aforesaid;—the mode of drawing the lottery is then prescribed.—And the warrants shall severally be numbered according to the decision of the said lottery, and shall bear date on the day on which the drawing thereof shall be finished.—And all applications to the said land office, which shall be made after the expiration of the said ten days, for lands in the said purchase, being made as above directed, shall have priority according to the order in which they shall severally come to the secretary's hands, and shall be numbered accordingly, and not otherwise; and all warrants for lands in said purchase, as well those, the priority of which shall depend on the said lottery, as others, shall be made out in their proper order, as aforesaid, on payment of the legal fees, by the person who shall produce the acquittance of the receiver-general for the purchase money, as soon as conveniently may be, without any needless delay, and without partiality. . 317-19

42. Every warrant for lands in said purchase, shall be directed by the surveyor-general, to the deputy-surveyor of some one district within the same purchase, to be duly executed, and the quantity of land therein specified, surveyed and located, according to the tenor of such warrant. . 319

43. But if land to the satisfaction of the owner of the warrant, be not found within such district, the deputy-surveyor to whom it was directed, on desire of the owner, shall certify, by indorsement thereon in writing, witnessed by two subscribing witnesses, that the same warrant has not been executed within his district, and shall re-direct the same warrant to the deputy-surveyor of some other district, within the said purchase; and on producing the warrant so certified, the deputy-surveyor to whom the same may be directed, shall proceed upon, and execute it, in like manner, and with like effect, as if it had been so directed by the surveyor-general. . 319

44. No deputy shall execute any such warrant, unless directed to him as aforesaid; nor shall any deputy proceed to measure any land on any warrant within the said purchase, until the expiration of thirty days after the date of such warrant, which for preference and priority, shall be dependent on the lottery; and during the latter twenty of the said thirty days, each deputy within the said purchase, shall keep open his office, and give his personal attendance therein at least six hours in every of the said twenty days (Sundays excepted) for the purpose of receiving the warrants to be issued and directed as aforesaid.—Deputy to give notice to surveyor-general of the place of keeping his office; and every deputy receiving any such warrant, shall make fair and clear entries of all warrants put into his hands, in a book to be provided by him for that purpose, distinguishing therein the names of the grantees, quantities of land, number and date of each warrant, and the day on which they receive the same, respectively, and whatever shall be done concerning every such warrant, which book shall be open at all seasonable hours to every applicant, who shall be entitled to copies of any entry therein, to be certified as such, and signed by such deputy. . 319

45. After thirty days from the date of every such warrant, the priority of which shall depend on said lottery, but not sooner, the deputy to whom it may be directed, shall proceed to execute the same, in the usual manner, if requested by the owner, or his agent, giving preference always to the lowest in number of the unexecuted warrants which shall have come to his hands, in case the owner thereof, or his agent, shall be ready to proceed with the said deputy, and to direct him to the place where he is desirous the same should be executed. . 319-20

46. None of the said warrants, which shall not be finally lodged and left with one of the deputies within the said purchase, for survey and location within the district of such deputy, before the said thirty days be expired, shall be entitled to priority, but shall be considered as posterior to any warrant that shall have been lodged within the thirty days, and be surveyed and located accordingly. 320
47. If any owner of a warrant within said purchase, shall fix upon, and desire his warrant to be located to a particular piece of vacant land, the deputy, in whose hands the warrant shall be, shall make an entry thereof in his book, and shall afterwards proceed to survey the same upon such warrant, unless some person, claiming under a warrant, intitled to priority by the lottery, shall insist on having his survey made at the same place ; in which case the warrant that had been so located and superseded, shall be intitled to a second location, as before, liable to a claim under another prior warrant, as before, and so *toties quoties*, till the same shall be undisputed. 320
48. But the person claiming to have land surveyed to him, under any warrant for land in said purchase, may, at any time before actual survey, renounce such location, and withdraw his warrant, and deliver the same to any other deputy in said purchase, as before provided and declared ; and may afterwards again, in like manner, withdraw the same, and deliver it to the deputy of another district, and so on, till the quantity of land therein mentioned be surveyed, and the same established in the order and manner aforesaid. 320
49. All warrants which shall be issued after, (and the priority of which shall depend on) the drawing of said lottery, for lands in said purchase, shall be executed in the order, and have preference of survey, as they shall severally be earliest delivered to the deputy to whom they be directed, who shall make survey thereon, and for that purpose the surveyor general shall register the same warrants and every of them, in the order they shall come to his office, in the manner directed in respect to the warrant first aforesaid ; and every survey of lands in said purchase, made in pursuance of this and former acts, shall be returned to the surveyor general's office as soon as conveniently may be after survey made, on payment or tender of the legal fees to which the deputy is intitled ; and if any such survey shall have been made before 31st December, in any year, and shall not be returned into said office before the last day of March next following, the same survey shall be void as to future surveys which shall be sooner returned and filed in the surveyor general's office ; and if such avoidance happen by neglect, or default of the deputy, he shall be answerable to the party damaged thereby, and the party shall be entitled to a new warrant to survey other land elsewhere, to satisfy his original application. 320-1
50. Every survey hereafter to be returned to the land office, on any warrant issued after the passing of this act, shall be made by actual going upon and measuring of the land, and marking the lines to be returned on such warrant, after the warrant shall come to the hands of the deputy to whom it shall be directed ; and every survey made *therefore* shall be accounted clandestine, and shall be void, and of no effect whatsoever. 321
51. Every deputy, upon request, shall give a receipt to the person delivering any warrant of survey, for the fee of six pence to be paid by the party requesting the same, in which receipt shall be set forth the day and year when, and the order in which the said warrant shall have come to the hands of such deputy, and also the grantees' name and surname, and the number of acres to be surveyed thereon, and also the number of the warrant. 321
52. Every deputy, within the month of February, in every year, shall make a general list, (and return the same into the surveyor general's office, of all the warrants upon which he shall have made any survey during the year preceding, setting forth, in a summary manner, what quantity of land he surveyed on each warrant, distinguishing every warrant by its number, date, and the name of the gran-

	Page
tee, and also the situation of every tract so surveyed, respectively.	321
53. The surveyor general shall appoint all deputy surveyors, (with the approbation of the executive,) the surveyor general to be answerable for the persons so appointed; deputies to give bond to the commonwealth, with two sureties, to be approved by the executive, for the faithful and equal discharge of their duty, according to law; which bond shall be recorded in the recorder's office of the proper county, to be sued for the use of the party damaged, as sheriff's bonds are.	321-2
54. The land officers, and the deputy surveyors, to take an oath of office, which is prescribed; which shall be signed by them, and filed in the office of clerk of the peace of the county, where such officer shall execute his office.	322
55. The districts to be ascertained and declared by the surveyor general, with the approbation of the executive, who, at their discretion, may afterwards alter the same.	322
56. Certain islands exempted from application and survey, &c. (See title "Islands")	322
57. Neglect or refusal of duty, in any officer, under this act, besides damages to the party grieved, as well as misbehaviour, abuse of trust, or any fraud, to be punished by fine and imprisonment, at the discretion of the court of the proper county.	322
58. No deputy shall go out of his proper district to make a survey; and every survey made by any deputy, out of his proper district, shall be void and of no effect.	323
59. The surveyor general and his deputies are enjoined to locate and survey the full amount of land, contained and mentioned in any warrant, in one entire tract, in such manner and form, as that such tract shall not contain in front on any river, more than one half of the length or depth of such tract; and to conform the lines of every survey, in such manner as to form the figure or plot thereof, as nearly as circumstances will admit, to an oblong of three times the breadth thereof.	323
60. If any survey should be found to contain a greater quantity of land than is mentioned in the warrant, so that such excess be not more than one tenth of the number of acres, mentioned in the warrant, besides the allowance, the return shall nevertheless be admitted, provided the party procuring the return shall forthwith pay the receiver general for such overplus at the same rate as for the land mentioned in the warrant.	323
61. The fees of the different officers prescribed, and salaries &c. (chiefly supplied.)	323-5
62. The lands in the new purchase, not before assigned to any particular county, assigned, by certain boundaries, to Northumberland and Westmoreland counties.	325
[16th September, 1785.] 63. [Persons intitled, either in law or equity, to lands within the purchases made of the Indians previous to the revolution, by virtue of any grant, warrant, location, or office right whatsoever, made or accrued before 10th December, 1776, on which no patents had issued, were required to settle for the purchase money, to be paid in five annual instalments, &c. giving bond and mortgage, &c. and on neglect or refusal so to do, on or before 10th April, 1787—to be barred of the benefit of this act, with respect to further time for payment, and to be proceeded against for the monies due, by sale of the lands, according to law, without further delay.] (<i>supra</i> , No. 10, 21, <i>infra</i> , No. 68, 70, 119, 122, 136, 152.)	341-2
64. Actual settlers, residing on the northern and western frontiers, who have been driven by the Indians from their habitations, in the course of the late war, or their legal representatives, shall be exonerated and acquitted of the interest accruing on the purchase money due, from 1st January, 1776, until the 1st of July, 1784, [provided they respectively pay or secure the purchase money of the lands by them severally claimed, as before mentioned;]—and provided they prove by the oath of a credible person, that the person in whose right the said benefit is claimed, was, in the course	

	of the last war, actually driven from his habitation on the said land, through force or fear of the Indians, and that the said plantation was consequently left without inhabitant.	Page 342
[30th December, 1786.]	65. No warrant shall issue from the land office for any tract of land on which a settlement is made, unless to such person, or persons, respectively, who have made the settlement, or their legal representatives, [until 10th April, 1788, <i>infra</i> , No. 71, 119.] And if any such warrant shall issue otherwise, it shall be deemed to have issued by surprise, and shall be of no avail in law.	395
	66. A settlement shall be understood, an actual personal, resident settlement, with a manifest intention of making it a place of abode, and the means of supporting a family, and continued from time to time, unless interrupted by the enemy, or by going into the military service of this country, during the war.	395
	67. This act to extend only to the purchase at Fort Stanwix, in 1768. And no settler shall have the pre-emption of any tract, exceeding four hundred acres, by reason of any such settlement.	395
[28th March, 1787.]	68. [The time limited for payment of the purchase money, and patenting lands, (<i>supra</i> , No. 63,) extended to one year later, (<i>infra</i> , No. 70, 119, 136, 152.)]	408
	69. —[Any person intitled to demand a patent for lands, under directions of the act of 16th September, 1785, on paying one fourth of the purchase money, or arrearages, with interest, in lawful money, of this state, or in bills of credit emitted by the act of 7th April, 1781, with the whole office fees, in current lawful money, at his option may pay the residue in lawful money, or the bills of credit aforesaid, or in funded certificates of this state, &c. provided such payments should be completed on or before the 10th April, 1788. On neglect, or refusal, to be barred, and proceeded against, as in No. 63, <i>supra</i> .]	408
[29th March, 1788.]	70. [The time for patenting, (<i>supra</i> , No. 63, 66,) extended to 10th April, 1789, under the same provisions, &c. <i>infra</i> , No. 119, 152.)]	447
	71. The act of 30th December, 1786, extended to 10th April, 1789, (<i>supra</i> , No. 65.)	447
[3d Oct. 1788.]	72. After 1st March, 1789, the price of lands in the new purchase, in the seventeen districts of Northumberland and Luzerne counties, shall be at the rate of twenty pounds for every hundred acres, and no more, payable before issuing the warrant, in gold or silver, or in bills of credit of 16th March, 1785, or certificates of this state, bearing interest, at six per cent. half yearly, and no other satisfaction for said price, (<i>infra</i> , No. 76.)	451
(Vol. 3.) [8th Jan'y, 1791.]	73. [The board of property re-organized, and constituted under the new constitution—patents and warrants, how to be signed, &c.—(See title "Board of property," No. 4.)]	2
[29th March, 1792, and 6th March, 1793.]	74. Where any warrants have issued since 1st April, 1784—or hereafter shall issue, and have not, or cannot be executed in the whole, or in part, by reason that the lands therein described, or some part of them, have been previously appropriated, by, or for any other person or persons, according to law, or, having been executed, do interfere with some prior appropriation as aforesaid, the deputy of the district, or county, at the reasonable request of the party, his heirs, executors, administrators or assigns, shall certify to the surveyor general's office, whether any, and how much of the lands described in such warrant, has not, or cannot be surveyed for the reasons aforesaid, or being surveyed, interfere with any prior survey or appropriation; and surveyor general, on receiving such proof, at the like request, shall certify to the receiver general the number of acres remaining unsatisfied on any warrant issued after 1st April, 1784. (See pa. 93.)	65-4
	75. [The receiver general was directed, whenever it should appear to him, by original receipts, or other legal proof, or by entries in his books, that any person had paid for land on any warrant issued after 1st April, 1784, which he had not obtained, or that he had	

paid more than was due for the land obtained on such warrant, to carry the said money, or balance to the credit of such person, his heirs, &c. in payments already due, or hereafter to become due to the commonwealth, for any lands, together with lawful interest for the same, from the time of the original payment to the time of such credit being applied for, and paid—repealed, after 1st January, 1795—and interest suspended after 6th March, 1793, vol. 3, pa. 93, (*infra*, No. 94-98.)

64

[3d April, 1792.] 76. Act for the sale of the vacant lands within this commonwealth.—

After passing this act, the price of all the vacant lands within the limits of the purchase of 1763, and all previous purchases, (excepting lands previously settled upon, or improved,) shall be reduced to fifty shillings for every hundred acres; and the price of vacant lands within the limits of the new purchase of 1784, and lying east of Allegheny river, and Conewango creek, shall be reduced to five pounds for every hundred acres; and may be granted to any person applying for the same, at the price aforesaid, in the manner and form accustomed under the laws in force, (*infra*, No. 91, 92, 111, 112, 116, 138, 139, to 150.)

70-1

77. All other lands in this commonwealth, and lying north and west of the rivers Ohio and Allegheny, and Conewango creek, (excepting such parts as have been, or shall be appropriated to any public or charitable use,) shall be, and they are offered for sale to persons who will cultivate, improve, and settle the same, or cause the same to be cultivated, improved and settled, at and for the price of seven pounds and ten shillings for every hundred acres, and allowance, to be located, surveyed and secured to such purchasers, in the manner herein after mentioned.

71

78. On application of any person who may have settled and improved, or is desirous to settle or improve, a plantation within said limits, to the secretary, containing a particular description of the lands applied for, a warrant shall be granted to him for any quantity, not exceeding four hundred acres, to be surveyed and returned to the surveyor general's office, within the term of six months next following, the grantee paying the purchase money, and the usual fees of the land office.

71

79. The surveyor general, with the approbation of the governor, to divide this territory into districts—to appoint deputies, who shall give notice to him where they keep their offices—shall give bond and surety, and keep books for entering warrants, and shall give copies, &c.

71

80. The deputy, at the request, cost and charges of the respective grantees, to proceed to survey the lands described in the warrants, as nearly as may be, according to their respective priorities; but he shall not, by virtue of any warrant, survey any tract that may have been actually settled and improved prior to the date of the entry of such warrant with the deputy of the district, except for the owner of such settlement or improvement; and having perfected such surveys, shall enter the same in a book, to be kept by him, and called the survey book, which shall remain in his office, liable to be inspected by any person whatsoever, demanding to see the same, on payment of eleven pence for every search, and give copies of any such survey, on payment of one quarter of a dollar.

72

81. Deputies not to survey out of their districts, &c. and the manner and form of making surveys, prescribed, &c. (in the same words as *supra*, No. 58, 59, 60.)

72

82. Every deputy under this act, shall, in the month of February, yearly, make and return into the surveyor general's office, plots of every survey he shall have made the preceding year, in pursuance of any warrant, connected together in one general draft, so far as they may be contiguous to each other, with the courses and distances of each line, and the name of the person for whom the same was surveyed.

73

83. The deputy of the proper district shall, on the application of any person who has made an actual settlement and improvement, on

lands lying north and west of the rivers Ohio and Allegheny, and Conewango creek, upon such person paying the legal fees, survey and mark out the lines of the tract of land, to which such person may, by conforming to the provisions of this act, become intitled by virtue of such settlement and improvement: but he shall not survey more than four hundred acres for such person, and shall, in making such survey, conform himself to all the other regulations prescribed by this act, (*infra*, No. 138.)

73

84. No warrant, or survey, for lands north and west of the rivers Ohio and Allegheny, and Conewango creek, shall vest any title, unless the grantee has, prior to the date of such warrant, made or caused to be made, or shall within two years next after the date of the same, make, or cause to be made, an actual settlement thereon, by clearing, fencing and cultivating, at least two acres for every hundred acres contained in one survey, erecting thereon a messuage for the habitation of man, and residing, or causing a family to reside thereon, for the space of five years next following his first settling of the same, if he or she shall so long live; and in default of such actual settlement and residence, the commonwealth may issue new warrants to other actual settlers for said lands, or any part thereof, reciting the original warrants, and that actual settlement and residence have not been made in pursuance thereof, and so often as defaults shall be made, for the time, and in the manner aforesaid, which new grants shall be under, and subject to all the regulations contained in this act.—**PROVIDED**, that if any actual settler, or any grantee, in any such original, or succeeding warrant, shall by force of arms of the enemies of the United States, be prevented from making such actual settlement, or be driven therefrom, and shall persist in his endeavours to make such actual settlement, as aforesaid, then, in either case, he and his heirs shall be intitled to have and to hold the said lands, in the same manner as if the actual settlement had been made and continued.

73

85. The lands actually settled and improved according to the provisions of this act, to whosoever possession they may descend or come, shall be and remain liable and chargeable for the purchase money at the rate aforesaid, and interest from the dates of the improvements; and if such actual settler, not being hindered as aforesaid, by death, or the enemies of the United States, shall neglect to apply for a warrant for the space of ten years after passing this act, the commonwealth may grant the same lands, or any part thereof to others, by warrants, reciting such defaults; and the grantees, complying with the regulations of this act, shall have, hold and enjoy the same to them, their heirs and assigns; but no warrant to issue till the purchase money be paid.

73-4

86. After decision on caveats, patents to be staid for six months.

74

(See this at large, under title "Caveat," No. 2.)

87. A certain tract at Presqu' Isle, reserved for the use of the commonwealth.

74

88. The holder, or holders of any unsatisfied warrant or warrants, issued under the 7th section of the act of 21st December, 1784, (*supra*, No. 37,) may locate the quantity of land for which such unsatisfied warrant was granted, in any district of vacant and unappropriated land; provided the owner shall be under the same regulations and restrictions, as other owners of warrants for lands, north and west of Allegheny river and Conewango creek, the said act, or any other act to the contrary notwithstanding.

75

[5th March,
1793.]

89. Act for the sale of certain islands in the river Susquehanna.
(See title "Islands,"—and pa. 494.)

93

[5th April,
1793.]

90. Mode of indemnifying persons, whose donation lands fell in New York. (See title "Donation Lands," No. 9.)

110

[22d April,
1794.]

91. No applications shall be received after passing this act, for any unimproved land in the new purchase, and the triangular tract upon Lake Erie.

184

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92. No warrant shall issue after 15th June, 1794, for any land in the new purchase, and triangular tract upon Lake Erie, except in favour of persons claiming the same by virtue of some settlement and improvement made thereon.	184
93. All applications for lands, that may remain on the files of the land office, after the 15th of June, 1794, and for which the purchase money shall not have been paid on that day, shall be null and void.	184
94. But applications may be received, and warrants may issue, until 1st January, 1795, in favour of any person, to whom a balance may be due in the land office, on unsatisfied warrants, issued before 29th March, 1792, for such quantity of land as may be sufficient to discharge such balance, (<i>supra</i> , No. 75.)	184
95. Nothing in this act to be so construed, as that warrants, except those wherein the land is particularly described, shall in any manner affect the title of the claim of any person having made an actual improvement, before such warrant is entered and surveyed in the deputy surveyor's books.	185
[22d September, 1794.] 96. After passing this act, no applications shall be received for any lands within this commonwealth, except for such lands whereon a settlement has been, or hereafter shall be made, grain raised, and a person or persons residing thereon, (<i>infra</i> , No. 155.)	193-4
97. All applications made since 1st April, 1784, on the files or books of the land office, for lands, for which the purchase money has not been paid, shall, from and after the passing of this act, be null and void.	194
98. But all persons shall have the benefits of the act of 29th March, 1792, (<i>supra</i> , No. 74, 75,) agreeably to the provisions contained in the supplement thereto, of 6th March, 1793, (<i>supra</i> , No. 75.)	194
99. Nothing in this act shall in any wise injure the rights of those who now hold, or hereafter shall hold, lands by virtue of actual settlements and improvements, made, or to be made, under the act of 3d April, 1792, (<i>infra</i> , No. 116.)	194
[17th April, 1795.] 100. Act relative to donation lands. (See title "Donation Land," No. 10.)	233
[20th April, 1795.] 101. Allowance for clerk hire in the land offices.	239
102. After passing this act, the surveyor-general shall cause to be entered in a book to be kept for that purpose, the name of each person applying for a patent, or patents, the number of patents applied for by him, and the time when such application is made, which book shall be open to the inspection of any person applying to view the same; and the officers shall cause the said patents to be made out, and the business thereof completed, as it respects their respective offices, agreeably to the priority of applications for the same, without respect to persons, unless the issuing thereof be stayed by <i> caveat</i> , or other legal objection.	260
103. But any citizen residing not less than one hundred miles from the land office, shall be entitled to a preference, not exceeding three patents; but that preference shall not be granted twice to the same person.	260
104. If any clerk in either of the offices, shall take or receive any fee, gratuity, or sum of money whatever, for doing, or transacting any business relating to the said office, whether in either of the said offices, or any other place, such person, on conviction, shall forfeit one hundred dollars, &c. and shall not be permitted to serve as clerk in either of the said offices.	260
[9th March, 1796.] 105. Act to compensate David Meade and others, and of the Wyoming credits. (See title "Certificates," No. 2, 7, and <i>infra</i> , No. 118.)	267-8
[11th April, 1799.] 106. The period allowed for applying for donation lands, extended; and the mode of authenticating claims thereto, regulated, &c.	383
(See title "Donation Land," No. 11.)	
[19th February, 1801.] 107. Act for the relief of Peter Wikoff, and others. (See title "Certificates," No. 3, 7, and <i>infra</i> , No. 118.)	461

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[23d Feb'y, 1801.]	108. A further supplement to the act for distributing the donation lands. (See title "Donation land," No. 9.)	467-8
[22d Jan'y, 1802.]	109. The operation of caveats limited. (See this, at large, title "Caveats," No. 4.)	480
[2d April, 1802.]	110. Act to complete the benevolent intention of the legislature, by distributing the donation lands to all who are entitled thereto. (See title "Donation lands," No. 12, 13, 14, 15.)	505
[Do.]	111. Act to settle the controversies arising from contending claims to lands within that part of the territory of this commonwealth, north and west of the rivers Ohio, and Allegheny, and Conewango creek, (<i>supra</i> , No. 76,) the judges of the supreme court to meet and devise a form of action for trying and determining the following questions:—1. Are warrants heretofore granted under the act of 3d April, 1792, valid and effectual in law against this commonwealth, so as to bar the commonwealth from granting the same lands to other applicants under the act aforesaid, in cases where the warrantees have not fully, and fairly complied with the conditions of settlement, improvement and residence required by the said act, at any time before the date of such warrants, respectively, or within two years after—2. Are the titles that have issued from the land office, under the act aforesaid, whether by warrant or patent, good and effectual in law against this commonwealth, or any person claiming under the act aforesaid, in cases where such titles have issued on the authority, and have been grounded upon the certificates of two justices of the peace, usually called prevention certificates, without any other evidence being given of the nature and circumstances of such prevention, whereby, as is alleged, the conditions of settlement, improvement and residence required by the said act, could not be complied with?—to be tried at Sunbury, &c. (obsolete.)	507-9
	112. After passing this act, the secretary of the land office shall not grant any new warrant for land which he has reason to believe has been already taken up, under a former warrant; but in all such cases shall cause a duplicate copy of the application to be made, on which he shall write his name, with the day and year in which it was presented, and file the original in his office, and deliver the copy to the party applying; but on every application so to be made and filed, shall be certified on oath, &c. of one disinterested witness, that the person making such application, or in whose behalf it is made, is in actual possession of the land applied for, and such certificate shall also mention the time when such possession was taken; and the application so filed shall be entitled to the same force and effect, and the same priority in granting warrants to actual settlers, as if the warrants had been granted at the time the applications were filed; and should the decision of the court and jury, at the trial aforesaid, be in favour of the claims of the actual settlers, the secretary shall proceed to grant the warrants, according to the priority of the applications filed in his office, upon the purchase money being paid.	510
(Vol. 4.) [29th March, 1803.]	113. Mode of proceeding to recover the office fees due on patents and warrants remaining in the office of the secretary of the land office.	82
[6th Feb'y, 1804.]	114. Members of the board of property empowered to administer oaths. (See title "Board of Property," No. 6.)	112
[2d April, 1804.]	115. After passing this act, any person holding a warrant or warrants for lands, on which surveys have been made, or patents issued, (under the commonwealth,) and who is also in possession of the title to the same land, or any part thereof, by virtue of a proprietary warrant, or location, and who is now desirous of doing justice to the state by patenting the said land on his old proprietary warrant or location, on application for that purpose, the board of property shall direct the receiver general on settlement of his accounts, on said proprietary warrant or location, to carry to his credit the amount of purchase money and interest paid by him, or those under whom he claims, on his said new warrant—the benefit and ad-	

vantages of this act to continue three years. (By act of 26th March, 1808, § 3, (expired) this act was continued in force till 1st September, 1809—and by an act passed 4th April, 1809, vol. 5, pa. 69, was further continued till 1st April, 1812, and is now expired.)

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- [3d April, 1801.] 116. Applications of actual settlers, for lands lying north and west of the rivers Ohio and Allegheny and Conewango creek, under the act of 3d April, 1792, (*supra*, No. 76, &c.) describing particularly the lands applied for, and filed with the secretary of the land office, vouching such other requisites as provided for by the act of 22d September, 1794, (*supra*, No. 96, &c.) shall, for two years after passing this act, entitle the applicant, his heirs and assigns, to all the privileges and benefits that an original or vacating warrant would entitle them to, and on the trial of all suits, brought, or to be brought, between warrantees and actual settlers, concerning lands situate as aforesaid, the actual settler shall be permitted to plead and make proof of his improvement and residence, as fully, and with equal force and effect, as if such settler had obtained a vacating warrant.—But nothing in this act, shall be construed to impair any contract or agreement, nor to bar the legal, or equitable claims of any person or persons to said lands, nor to release said lands from the condition of settlement and residence, improvement, purchase money and interest, required by the said act of 3d April, 1792—nor to the granting of any lands heretofore reserved, or appropriated by law. 206
- [25th March, 1805.] 117. Act for regulating and continuing the distribution of donation lands. (See title "Donation lands," No. 16, the first section continued till 1st April, 1810, vol. 5, pa. 70.) 223
- [1st April, 1805.] 118. Act for the redemption of the Wyoming credits, and certificates granted to P. Wikoff and others. (See title "Certificates," No. 7, and *supra*, No. 105, 107.) 248-9
- [4th April, 1805.] 119. Act to encourage the patenting of lands—the receiver general authorized to settle the accounts of all persons who may apply within three years after passing this act, who have not received patents for their lands, and on payment of the usual fees, such persons shall receive their patents on executing a mortgage to the governor, for the use of the commonwealth, to secure the payment of the aggregate of the arrears of purchase money and interest, in ten equal annual instalments, the interest of the whole aggregate sum remaining due, to be paid yearly; and all mortgages executed in pursuance of this act, shall be filed in the office of the secretary of the land office, and shall be available in law, without the recording thereof; and the secretary, before he shall deliver any such patent to be enrolled, shall endorse thereon, that a mortgage is executed by the patentee to the governor, &c. and the amount thereof. 261-2
- (—(*Infra*, No. 122—continued in force till 1st September, 1799, by act of 14th March, 1808, pa. 494—*infra*, No. 136, further continued—*infra*, No. 152.)
- . . . The time for patenting lands, extended for three years. 262
- [27th Jan'y, 1806.] 120. Act directing the sale of unappropriated islands in the rivers Delaware, Ohio and Allegheny, and their branches, declared public highways—actual settlers to have a pre-emption for a limited period. The purchase money to be paid in four years by instalments, and to be a lien till paid—disputes to be settled by the board as in other cases. 263
- [4th April, 1807.] 121. [Secretary of the land office authorized to sign patents and land warrants, already issued, and not signed, or which should issue before 1st January, 1808—(extended to 1st January, 1818, pa. 433,)—supplied, *infra*, No. 129) 389
- [15th April, 1807.] 122. The receiver general, on the settlement of any account, for monies due on lands, in the purchases of the Indians, in and prior to 1768, shall ascertain the amount of principal and interest due at the time

of passing this act, upon such account, and upon the aggregate amount so found due, he shall charge interest until the amount of the account is discharged.—But any person paying the receiver-general the amount due from him or her, on or before 1st March, 1808, or otherwise, before said day, complying with the provisions of the act of 4th April, 1805, (*supra*, No. 119,) shall be charged interest only on the principal sum due, up to the time of such payment, or executing a mortgage, &c. 471-2

. (Operation of this act suspended till 1st September, 1809, by act of 14th March, 1808, pa. 494—further suspended, (*infra*, No. 136, 152.)

123. Before any warrant issues from the land office for any land within the said purchases, the person for whose use, and in whose name such warrant is applied for, shall declare on oath, or affirmation, in addition to the usual proof required by the officers of the land office, to be taken and subscribed, &c. that according to the best knowledge and belief of deponent, no warrant, or other office right had issued for such land in the name of such deponent, or of any person or persons, under whom he claims, and if at any time thereafter it should appear, that the persons deposing as aforesaid, or any of them, shall knowingly have sworn falsely, such person or persons shall suffer all the pains and penalties of perjury. 472

- (*Vol. 5.*) 124. After 10th May, 1809, the offices of receiver general and master of the rolls, are abolished, and the books, records and papers belonging to, and in the receiver general's office, and the documents, records and patent books relating to titles of land, in the rolls office, shall be delivered to, and deposited in, the office of the secretary of the land office. 46

125. Fees on issuing a warrant shall in all cases be four dollars and fifty cents, for each warrant of survey and acceptance, (except as hereafter)—and the secretary of the land office shall make, or cause to be made, all calculations of the purchase money and interest due on lands sold, or to be sold, and direct payment thereof, with the price of the warrant, into the treasury; and the treasurer shall give duplicate receipts, one of which shall be deposited with the secretary of the land office before the warrant shall issue, (*infra*, No. 132, 134.) 46

126. Fees on patenting, in all cases where fees are receivable, shall be ten dollars for each patent, to be paid to the state treasurer, who shall give duplicate receipts for the same, one of which shall be deposited with the secretary before issuing the patent; and the patent shall be enrolled without additional fees, under the direction of the secretary, in whom the powers of the master of the rolls, for such purpose, are vested. 47

127. The receipts of the state treasurer, which shall come into the secretary's office, he shall deliver monthly to the auditor-general, and the secretary, and surveyor-general, shall account monthly, on oath, to the auditor-general, for all fees received in their offices, and pay the same into the state treasury. 47

128. Secretary of the commonwealth, secretary of the land office, and surveyor-general, or any two of them, constituted a board of property, with all the powers of the board of property. 47

(See title "Board of Property.")

129. The secretary of the land office shall purchase a seal, to be styled "The seal of the land office of Pennsylvania," to be applied to all patents, warrants, and other papers authenticated in said office, and all patents and warrants shall be signed by the said secretary, and the patents attested by his deputy or first clerk. 47

130. Patents for reserved tracts, and for town and out-lots, north and west of the Ohio, &c. to issue out of the land office; and the powers of the governor in that respect, transferred to the secretary of the land office; and the books, &c. to be deposited with him. (See vol. 3, pa. 233, 381, 411—vol. 5, pa. 212, 337, 381.) 48

131. The secretary of the land office, and surveyor-general, to be appointed for three years, removable on the address of both houses of the legislature. 48

- [25th Decem- 132. After passing this act, no fee shall be received in the surveyor-general's office for filing and directing a warrant; and the whole amount of the
ber, 1809.]

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money to be paid on issuing, filing and directing the same, shall in no case exceed four dollars and fifty cents.	76
153. In all applications for warrants hereafter to be granted by this state, the applicant, or his agent may, at his election, pay the interest on his purchase money, accrued previously to the date of the warrant, either at the time the purchase money shall be paid, or after the return of the survey shall have been made, and before issuing the patent.	76
154. In all cases of warrants issuing hereafter, where the return of survey shall have been previously made on proprietary locations, and whereon a warrant commonly called a warrant of acceptance, shall issue, the price of said warrant shall be two dollars.	76
155. In all applications for patents previous to the operation of the act of 29th March, 1809, (<i>supra</i> , No. 124,) and where a part of the fees was paid, the secretary shall deduct the same from the price of the patent, and issue the patent on payment of the balance into the treasury.	77
[21st February, 1810.] 136. The provisions of the 1st section of the act of 4th April, 1805, (<i>supra</i> , No. 119,) re-enacted and continued till 1st November, 1811, and no longer, (<i>infra</i> , No. 152.)	94
. The operation of the act of 13th April, 1807, (<i>supra</i> , No. 122,) sect. 1, suspended till 1st November, 1811, and no longer, until which time patents may be granted on paying, or securing by mortgage, the purchase money due, with interest on the principal sum only, to the time of such payment, or executing such mortgage.	94
. Mortgages under this act may be executed by any duly constituted trustee, or trustees, guardian or guardians of minors, duly appointed; or by executors to whom the sale or disposal of the land to be mortgaged, is given by the last will or testament of their testator, and patents may be received by them, respectively, for the use and benefit of those intitled; and any mortgage may be acknowledged before the secretary of the land office, or magistrate authorized to receive the acknowledgment of deeds.	94
. Any such mortgage may be executed and acknowledged by attorney duly constituted by letter of attorney; and such letter, being duly acknowledged before any judge of the supreme court, president, or associate judge of the common pleas, or before any justice of the county where the lands lie, shall be filed in the office of the secretary of the land office; a copy whereof, and also a copy of any such mortgage, duly certified under seal of said office, shall, in all cases, be as legal and sufficient evidence, as the originals themselves might or could be.	95
. Any person executing such mortgage, his heirs, &c. may, at any time before the days of payment, be permitted to pay the whole amount of principal and interest to that time, in full discharge thereof; or at any time before the day, or days of payment, may be permitted to pay a lesser number than the whole of the instalments to become due, and a deduction of so much interest as would have accrued upon said instalments, if not discharged previously to the time, or times when they were respectively made payable, and may have an acquittance indorsed on the mortgage for such instalment, or instalments so paid.	95
[20th March, 1810.] 137. Board of property to direct issues to be tried, in certain cases of controversy between Pennsylvania claimants, &c. (See titles "Board of Property," No. 10.—"Connecticut and Pennsylvania Settlers," &c. No. 46.)	151
[1st March, 1811.] 138. Act to encourage the warranting and patenting of lands, north and west of the rivers Ohio and Allegheny, and Conewango creek.—The secretary of the land office authorized to issue warrants and patents to all actual settlers on such lands, who have complied with the acts of 1792 and 1794, (<i>supra</i> , No. 76, 92, 95, 99,) who may apply within two years after passing this act, with such documents as are now required by law to obtain warrants and patents in that part of the state, also a certificate of the deputy surveyor or of the proper district, certifying, that to the best of his knowledge and belief, the land contained in said survey has not been claimed by any other person, by warrant or otherwise; and on payment of the usual fees, such persons shall receive their warrants and patents, upon executing a mortgage to secure the payment of the purchase money and interest in ten equal annual instalments; and all mortgages	

executed in pursuance of this act, shall be for the purchase money and interest thereon, only, and shall be filed in the secretary's office, and be available in law without recording thereof; and the secretary, before he shall deliver any such patent to be enrolled, shall endorse thereon that a mortgage is executed to secure such payment, and the amount thereof; but the party executing such mortgage shall not thereby be deprived of his privileges as a freeholder. The mortgagor may pay the whole sum due at any time within the said ten years.—The application and mortgage may be made and executed by a legal agent, or representative, duly constituted by letter of attorney, acknowledged before some justice of the county where the land may lie.—But no warrant, or patent, issued under the authority of this act, to any actual settler, shall prejudice, or in any wise affect, or impair, the right, interest or claim, of any person or persons whomsoever, in any of the said lands. . . . 198-99

. All surveys made, or hereafter to be made agreeably to the 8th section of the act of 3d April, 1792, (*supra*, No. 83,) and entered in the survey book of the proper deputy, it shall be his duty, on application made to him, to return into the surveyor-general's office, at any time after passing this act, and the surveyor-general shall file the same in his office; after which the lands, so surveyed and returned, need not be again surveyed; but the secretary shall issue warrants of acceptance for the same to the person or persons applying to take their titles under this act. . . . 199

. At any time after passing this act, on application of any of the said settlers, who may have filed their applications in the land office, the secretary shall issue a certificate to the treasurer, authorizing him to receive any sum or sums of money, not less than ten dollars, and upon the receipt being returned to the land office, it shall be entered to the credit of the said applicant, although he may not have executed a mortgage so as to entitle him to a warrant, or patent. . . . 199, 200

[20th March, 1811.] 139. Act providing for the settlement of certain disputed titles to lands, north and west of the rivers Ohio and Allegheny, and Conewango creek.—In all cases where an agreement has been entered into between an original warrant-holder, or his legal representative, and an actual settler, to settle and improve a tract of land, previous to such settler taking possession of said tract, lying as aforesaid, surveyed on an original warrant, and said settler, or his legal representative has made such actual settlement, continued residence and improvement thereon as are described in the 9th section of the act of 3d April, 1792, (*supra*, No. 84,) although after the time required by the said act in such cases, the commonwealth hereby ratifies and confirms the title to such tract, to the parties aforesaid, according to their said agreement;—but not to affect the claim of others adverse to the said contracting parties. . . . 206-7

140. In all cases where an actual settler has, adverse to the original warrantee, taken possession of a tract of land, surveyed on an original warrant, and has made such actual settlement, &c. as is described in said 9th section, and an agreement or compromise shall take place at any time after passing this act, and before 1st June, 1813, between such actual settler or his legal representative, and the original warrantee, or his legal representative, either by the warrantee, or his legal representative, releasing his claim to 150 acres and allowance, of said tract, to be surveyed and laid off by the proper deputy-surveyor, to said settler, or his legal representatives, including said settlers' improvements, clear of expense or consideration, excepting the consideration of said settlement;—or, in cases where either party shall, between the dates aforesaid, purchase the right, or claim, of the other, to said tract of land, the commonwealth shall cease to have any further claim to said tract, and the title to the same shall be confirmed to such warrantee and settler, or their legal representatives, accordingly. . . . 207-8

141. In all cases where an actual settler has, adverse to the original warrantee, taken possession of any tract of land, heretofore surveyed on any original warrant, and who has made on the same such

actual settlement, &c. as is required by the said 9th section, and who has purchased any part of the said tract of the warrantee, to include and secure his said improvement, in all such cases, where the said warrantee, or his legal representative, on or before the 1st of June, 1813, shall release to said actual settler, or his legal representative, his claim to 150 acres, and allowance of said tract, clear of expense, as a consideration for making said improvement, &c. to be surveyed and laid off by the proper deputy surveyor, the commonwealth shall cease to have any further claim to such tract. 208

142. All actual settlers, who had, adverse to the warrantees, commenced an actual settlement and residence on any tract of land heretofore surveyed on original warrants, and have resided thereon two years, and in that time cleared, fenced, and cultivated three acres of said tract, and have abandoned their settlements at any time before the whole of the settlement, &c. required by the said 9th section, were fully and completely made and ended, and who shall, either by himself, or his legal representative, return to said tract before the 1st of June, 1813, and settle and reside on the same so long, as with the residence and improvements aforesaid, shall amount to what is required by the said 9th section, he shall be entitled to all the benefits of an actual settler, under this act, and the act of 3d April, 1792. But should he, or his legal representative, neglect to return, or fail to recommence said settlement within said time, and perform the conditions herein before mentioned and required, his previous settlement shall be considered abandoned after said 1st of June, 1813, and after said day, the warrantee, or his representative may dispose of the same, in the same manner, and under the same conditions as lands where no actual settlement was commenced; and on the same conditions, and under the same exceptions as in other cases, will the commonwealth cease to have any further claim to such tracts of land. 208

143. Every actual settler, who had commenced an actual settlement and residence on a tract of land, heretofore surveyed on an original warrant, adverse to the warrantees, and has been evicted at the suit of the warrantee and his legal representatives, shall be entitled to all the benefits of an actual settler under this act, and the act of 3d April, 1792; and upon the warrantee, or his legal representatives, releasing to such settler, or his legal representatives, 150 acres, and allowance of said tract, to be surveyed and laid off by the proper deputy surveyor, including his improvement, clear of expense, or in cases where either party shall purchase the right or claim of the other to said tract; in such case, the commonwealth shall cease to have any further claim to said tract, and the title shall be ratified and confirmed to said settler and warrantee, accordingly. 209

144. In all cases where no actual settlement and residence, as aforesaid, now exist, or have been made on a tract of land, heretofore surveyed on an original warrant, but the warrantee, or his legal representative shall, before 1st June, 1814, agree with any person, or persons, to commence an actual settlement on said tract, on or before said day, and release to such actual settler his claim to 150 acres, and allowance of said tract, clear of expense, to be laid off by the deputy surveyor of the proper county; and said person, or his legal representatives, shall commence an actual settlement on the same before said time, and continue a residence thereon for five years next following the first commencement, and within that time, clear, fence, and cultivate at least two acres for every hundred acres in said survey, and erect a house thereon fit for the habitation of man, in such case the commonwealth shall cease to have any further claim to said tract, and will confirm and ratify the title to the same. 209

145. Where patents, commonly called prevention patents, have issued to said party, or parties, for said land, and he, she, or they shall request a new patent for the same land, it shall be granted on payment of the usual fees of office, and on delivering up the old patent to the secretary of the land office, that it may be cancelled. 209

146. In all cases where the original warrantee, or his legal representatives, shall compromise with an actual settler, for a tract of land, in any of the years before mentioned, and where a new warrant of default shall have been issued for the same tract, the state treasurer shall repay the amount of purchase money that may have been paid for said vacating warrant, together with the fees of office. 209

147. None of the foregoing provisions shall be construed to affect any agreement heretofore made between an actual settler, who has made the settlement, residence and improvements on a tract of land, and any person who was to procure the title to the said settler, and on which tract of land the original warrantee had failed to fulfil the conditions of the said 9th section, but all such contracts shall remain as heretofore, unless an agreement shall take place between all parties concerned, before the said 1st of June, 1813, or the original grantee, or his legal representative shall release his claim to the contracting parties, on which release taking place, the state, in all such cases, will cease to have any further claim to said land, and the titles shall be ratified, and confirmed, accordingly. 209-10

148. The party, or parties to any of the aforesaid compromises or agreements, shall cause the evidence thereof to be recorded in the county where the land lies, and a certified copy thereof transmitted to the secretary of the land office, shall be evidence of such agreement, and the usual proof of settlement and residence being filed in said land office, patents shall thereupon issue agreeable to the provisions of the foregoing sections. 210

149. Any civil process which shall be issued out of any court, or from any alderman, or justice, against the Holland land company, the Pennsylvania population company, or the North American land company, or other warrant holders, by the name of the respective companies, or warrant holders, as the case may require, shall be served on the agent, or attorney in fact of said company, or other warrant holders, where such are, or may be appointed; and on due proof of such service, and return thereof, according to law, the same proceedings shall be had against any of the said companies, or warrant holders, their agents or attorneys, as is had against other defendants in like cases. 210

150. Where an actual settler may heretofore have purchased the right of a warrantee to a tract of land, north and west, &c. whereon he may have made an actual settlement agreeably to the act of 3d April, 1792, and such settler shall apply to the land office to patent the same, the secretary shall grant such patent, on the usual proof of settlement being made, and a regular chain of title produced from such warrantee, and the arrears of purchase money, (if any there be,) and the usual fees of office being first paid. But nothing herein shall be construed to prevent the commonwealth, at any time hereafter, from asserting her right, in cases of forfeiture under the act of 3d April, 1792, where the warrant holders and actual settlers shall fail to embrace the provisions of this act. 210

[30th March, 1811.] 151. The land officers to render an account of the fees received in their several offices, quarter yearly, to the auditor general for settlement, on oath of themselves, or deputies, &c. and pay the same monthly into the state treasury. 234

[Do.] 152. The provisions of the act of 21st February, 1810, (*supra*, No. 156) continued until the 1st of January, 1813, and no longer—but nothing herein shall be construed, or so understood, as to entitle any person, or persons, or corporate bodies, executors and administrators, on behalf of each minor, to the benefits of this act, for any greater quantity than five hundred acres of land, held by him, her or them, in his, her, or their own right. 241

[2d April, 1811.] 153. The land officers authorized to issue patents in the usual manner, on surveys heretofore returned, and received by the surveyor general, notwithstanding such survey may contain an excess of more

than ten *per cent.* above the number of acres mentioned in the warrants respectively. But no such patent shall be construed to defeat, or affect the right or title of any other person, which may have accrued by improvement, or otherwise, to any such excess. 264

[2d April, 1811.] 154. Secretary of the land office shall make report to the legislature, during the first week of every session, of the business that shall have been performed in his office within the preceding year, together with the state of his office during that period. 269

[7th Feb'y, 1812.] 155. In all cases where warrants have issued under the laws requiring settlements within the purchases in and prior to 1768, and whereon surveys have been, or hereafter shall be made and filed in the surveyor general's office, the land officers shall issue patents therefor, without further evidence of settlement and improvement, than that upon which the warrant was granted, except other claims are set up for the same land, in which cases the board of property shall be competent to decide in the usual manner. 291

[31st March, 1812] 156. Act ascertaining the overplus land in the triangular tract on lake Erie, &c. Land officers to grant patents for certain out lots at Erie. 380-1

—(For other matters relative to the duties of the land officers, and board of property—see title “Connecticut and Pennsylvania settlers and claimants,” throughout.)

LANDS. } 1. Lands may be taken in execution for payment of debts. (See title “Execution,” 7, 57, 262, 306
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2. Lands of intestates, and parts or purparts of lands sold or delivered upon executions, shall be held in severalty, or as tenancies in common, and not as joint tenancies—and owners of lands confirmed in their just rights and possessions. 313

3. Act relating to devises of lands. 33

4. Act concerning seven years quiet possession of lands. 48

5. Lands sold on execution shall not be restored, if judgment be reversed, but the price only for which they were sold. 61

6. Sales of lands by letter of attorney, regulated. (See title “Agent,” No. 1.) 69

7. Titles to lands held under aliens, not naturalized, before the revolution, confirmed. 461

LANG, JAMES. } 1. His administrator authorized to sell certain lands, &c. 259
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LARCINY. } 1. [Simple larciny, how punished by the act of 1718—forfeitures arising from conviction thereof, to be paid into the treasury.] (See title “Horse stealing.”) 121-3
(Vol. 1.) }

(Vol. 2.) 2. If any president, director, or any officer or servant of the said president, director or company of the bank of North America, being intrusted with any bill or note, or any bond, deed, money, or other effects, belonging to the said president, directors and company, or having any bill, or note, or any bond, deed, money or other effects, lodged, or deposited with the said president, directors and company, or with such officer and servant, as an officer or servant of the said president, directors and company, shall secrete, embezzle, or run away with, any such bill, note, bond, deed, money or other effects, or any part of them, every president, director, officer or servant, so offending, and being thereof convicted in due form of law, in any court of oyer and terminer, and general gaol delivery, within this commonwealth, shall be deemed guilty of felony, and shall suffer as a felon, agreeably to the laws for the punishment of grand larciny. 401

3. Every person convicted of simple larciny, to the value of twenty shillings and upwards, or as accessory thereto before the fact, shall restore the goods or chattels so stolen, to the right owner, or own-

ers thereof, or shall pay to him, her or them, the full value thereof, or of so much thereof as shall not be restored; and moreover shall forfeit and pay to the commonwealth, the like value of the goods and chattels stolen, and also undergo a servitude for any term of years, not exceeding three, at the discretion of the court: before which the conviction shall be, and shall be confined, kept to hard labour, fed and clothed, as in said act is directed. 532

4. If any person shall feloniously steal, take and carry away, any goods or chattels, under the value of twenty shillings, the same order and course of trial shall be had and observed, as for other simple larcinies, and he, she, or they, being thereof legally convicted, shall be deemed guilty of petty larciny, and shall restore the goods and chattels so stolen, or pay the full value thereof, to the owner or owners thereof, and also forfeit and pay the like value to the commonwealth, and be further sentenced to undergo a servitude, for a term not exceeding one year, in the discretion of the court, and be confined, kept to hard labour, clothed and fed, as is directed in this act. 533

5. Larciny of obligations, or bonds, bills obligatory, bills of exchange, promissory notes for the payment of money, lottery tickets, paper bills of credit, certificates granted by, or under the authority of this commonwealth, or of all, or any of the United States, shall be punished in the same manner as larciny of any goods or chattels. 533

(How restitution is to be had, see title "Execution," No. 4.—And with respect to the expenses of apprehending and prosecuting such felons, see vol. 1, pa. 121.)

- (Vol. 4.) 6. The court, before which any person shall be convicted of felony, or larciny, and sentenced to undergo an imprisonment at hard labour, and confinement, for any term not exceeding three years, shall be vested with a discretionary power of directing the imprisonment, labour and confinement, aforesaid, to be had and performed in the gaol of any county, within this commonwealth, or in the gaol and penitentiary of Philadelphia. 534

7. In all cases of larciny, wherein by the laws of this commonwealth, in addition to restitution of goods stolen, it is directed that any person convicted of such crime shall pay to the commonwealth the like value of such goods, the court, before which the conviction shall be had, is authorized, in lieu thereof, to sentence the offender to pay such fine as the said court, in its discretion, may judge right; provided the same shall not exceed the fine heretofore affixed by law. 534

- (Vol. 5.) 8. Larciny of any bank note, or bank notes of any incorporated bank, shall be punishable in the same manner as the robbery or larciny of any goods or chattels of equal amount. 531

—(Persons committed until restitution of stolen goods, &c. were authorized to be discharged by the insolvent debtors act, vol. 2, pa. 396.—But this was afterwards so modified, as that the court may order additional labour to be performed by the felon, as a commutation for such restitution, upon due notice to his creditors, &c. ib. pa. 522, and see title "Insolvent Debtor," No. 18, 25.)

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	3. Where any legatee, or legatees, may be under age at the time such legacy, or legacies may become due, such legatee, or legatees, may maintain an action for their respective legacies, by guardian, or next friend, as fully and amply as in other actions.
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	(See title "Assets," No. 1.)
	5. No suit shall be maintained for any such legacy, until reasonable demand made of the executor, &c. who ought to pay the same, and an offer made of two sufficient sureties to said executor, &c. who (if he think proper to accept thereof) shall become bound to said executor, &c. in double the sum of the legacy given, where it is ascertained by the will, and where not so ascertained, in double such sum as the plaintiff shall think himself justly intitled to, with condition underwritten, that if any part, or the whole thereof, shall at any time after, appear to be wanting to discharge any debt or debts, legacy or legacies, which said executor, &c. shall not have other assets to pay, that then the said legatee will return his said legacy, or such part thereof as shall be necessary for the payment of said debts, or proportional part of said legacies.—And if executor, &c. shall not accept said bond, it shall be filed with the clerk of the court, before process issues, and in default thereof, the process shall abate.
	384
	6. The court, on consideration of the report of the accounts of the executors, &c. shall, according to justice and equity, either award no costs out of the testator's estate, or, in case executor, &c. has been faulty in delaying to pay the legacy demanded, or a proportional part thereof, without sufficient excuse, then out of the proper estate of the executors, &c.
	384.5
	7. Where there may be several legacies, and a return of part of the said legacy sued for shall appear necessary, in such case, each legatee shall only be compelled to return a proportional part of his legacy, so as to make up the whole sum wanting.
	385
	8. Where no time is limited in the will, for the payment of any such legacies, then, in such case, the said executor, &c. shall have the space of one year to discharge the same.
	385
	9. The preceding provisions made perpetual.
	473
(Vol. 3.) } 10. When any last will is brought to be recorded in any register's office, which shall contain any bequest or legacy to a public corporate body, the register, within six months, shall make known, by letter addressed to the corporate body, in whose favour such bequest, or legacy, is made, the nature and amount of the same, with the names of the executors.	
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- (Vol. 5.) 11. After 19th March, 1810, no devise or legacy in favour of a child, or other lineal descendant of any testator, shall be deemed, or held, to lapse, or become void, by reason of the decease of such devisee or legatee, in the life-time of the testator, if such devisee or legatee shall leave issue surviving the testator, but such devise or legacy shall be good and available in favour of such surviving issue, with like effect, as if such devisee or legatee had survived the testator. But nothing herein shall be construed to affect any devise or legacy contained in the last will of any testator who shall have deceased before said day;—nor to defeat the intention of any testator to exclude such surviving issue, or any of them. 112

LEGISLA-
TURE.

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1. Penalty on members of assembly refusing, or neglecting to attend on the day fixed by the constitution for the meeting of the legislature, or on adjournments, or when called together by the executive, unless they shall have declined to serve, &c. 53

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2. The speakers of the respective houses authorized to draw their warrants, severally, on the state treasurer, for the wages and mileage of the members of the legislature, and their respective officers, and for their incidental expenses, &c. which the treasurer is enjoined to pay. 3
3. Wages of the members of the legislature, and its officers, fixed. 26
4. Contested elections of the members of the legislature, how to be tried. 45
5. Compensation of the speakers, and members of the legislature, increased. 111
6. Salaries of the clerks, serjeants at arms and door-keepers, and their daily pay, established. 183-4
7. Writs of election to supply vacancies in the legislature, how to be issued, executed and returned. 348-9

(See at large, title "Election—General," No. 16.)

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8. When either branch of the legislature shall have made choice of a speaker, the oaths or affirmations prescribed in the constitutions of this state, and of the United States, shall be administered to the speaker elect, by a member appointed for that purpose, by a majority of the members present, and the speaker so sworn or affirmed, shall administer the oaths or affirmations to the members elect, and officers, respectively. 164
9. When the senate shall sit for the purpose of trying any impeachment, the speaker shall be sworn or affirmed by a member selected by the senate for that purpose, by a majority of the members present. The speaker so qualified, shall then administer the oath, &c. to the members respectively. 164
10. The speaker of each house empowered to administer oaths, &c. to witnesses, or other persons, whom it may be necessary to examine before the house whereof he is speaker; and the chairman of every committee shall have like powers, in examinations before committees. 164
11. The necessary oaths, to the governor elect, shall be administered by the speaker of the senate, or by the speaker of the house of representatives. 164
12. The senators apportioned, in pursuance of the enumeration of the taxable inhabitants, and the state divided into districts for the election thereof,—and the number of representatives fixed. 496

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COUNTY.

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RIVER.

(Vol. 1.)

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2. The river Lehigh declared to be a public highway. 322

- (Vol. 5.) 3. A company to be incorporated to improve the navigation thereof. 100
 (See title fisheries relative to the Delaware and its branches,
 No. 9.)

LETTERS TESTAMENTARY. } (See title "Administration.")

- LEVARI FACIAS—LIBERARI FACIAS. (Vol. 1) } 1. Where the rents and profits of lands taken in execution, beyond all reprises, will pay the debt and costs within seven years, the lands shall be delivered by *tiberari facias* to the party, until the debt or damages be levied by a reasonable extent, in the same manner and method as lands are delivered upon writs of *elegit* in England. 58

2. Proceedings to levy monies due upon mortgage, and to sell the mortgaged premises by writ of *levari facias*, &c. 53-60

- (Vol. 4.) 3. On the execution of a *liberari facias*, where the defendant, or his tenant is in possession of the premises to be extended, the sheriff shall deliver the actual possession thereof to the plaintiff, or his agent. 477

- LIBEL. (Vol. 5.) } 1. No person shall be subject to prosecution, by indictment, for the publication of papers, examining the proceedings of the legislature, or any branch of government, or for investigating the official conduct of officers, or men in public capacity. 28

2. In all actions, or criminal prosecutions of a libel, the defendant may plead the truth in justification, or give the same in evidence. And if any prosecution by indictment, or any action be instituted, contrary to the true intent and meaning of this act, this act may be pleaded in bar, or given in evidence on the plea of not guilty. (This act expires with the session of 1812-13.) 28

LIBERTY OF CONSCIENCE. } (See title "Conscience.")

- LIBRARY. (Vol. 2.) } 1. Newton library company, in Bucks county, incorporated. 487

- (Vol. 3.) 2. The Loganian library annexed to the library company of Philadelphia. 69

3. The library company of Philadelphia, authorized to increase the annual payment of the members of said company. 220

4. A copy of the laws of the state to be delivered to each incorporated library company, &c. 286

LICENCE, OF TAVERNS. } (See title "Inns, Innkeeper," and vol. 1, pa. 73, 127, 304—and vol. 5, pa. 232.)

- LIEN. (Vol. 2.) } 1. Ships and vessels of all kinds, built, repaired and fitted within this state, shall be liable and chargeable for all debts contracted by the master or owners thereof, for, or by reason of any work done, or materials found or provided, by any carpenter, blacksmith, mast-maker, boat-builder, block-maker, rope-maker, sail maker, rigger, joiner, carver, plumber, painter, or ship-chandler, for, upon, or concerning the building, repairing, fitting and equipping such ship or vessel, in preference to any, and before any other debts due and owing from the owners thereof. 95

- (See title "Judgment.") 2. But if on any libel for work done, or materials, &c. the master or owner of such ship or vessel, or his or their agents, shall appear in court, and enter into stipulation, with sufficient sureries, to answer all the demands aforesaid, which shall be then filed against such ship or vessel, she shall be discharged from the arrest, and be permitted to proceed on her voyage. 96

3. And no ship or vessel shall continue to be liable and chargeable for such debts, to the tradesmen aforesaid, longer than the time which shall intervene between the contracting of such debts, and the time of her proceeding to sea, next after the work shall be

- done, or the materials and articles furnished, and provided. (See
vol. 3, pa. 89.) Page 96
- (Vol. 3.) 4. The report and settlement of the county auditors, when filed
among the records of the court, shall have the effect of a judgment
upon the lands, tenements and hereditaments, of such commis-
sioner or treasurer, as shall thereby appear to be indebted. 16
5. No deed executed by executors, &c. by leave of court, upon con-
tracts of deceased persons, shall discharge the lands and tenements
to be thereby conveyed, from the lien of the consideration money
therefor, until it shall be actually paid, or secured, according to
the terms of the contract. 67
6. No debts, except they be secured by mortgage, judgment, recog-
nizance, or other record, shall remain a lien on the real estates of
deceased persons, longer than seven years after the decease of the
debtor, unless an action for the recovery thereof be commenced
and duly prosecuted against his or her heirs, executors, &c. within
the said period of seven years, or a copy, or particular written
statement, of any bond, covenant, debt, or demand, where the
same is not payable within the said period of seven years, shall be
filed within the said period, in the prothonotary's office of the
county where the lands lie.—But if the debt, &c. be due to a per-
son, who, at the time of the decease of such debtor, is *feme covert*,
under age, *non compos mentis*, in prison, or out of the limits of the
United States, it shall remain a lien on such real estate, (notwith-
standing the said term be expired,) until four years after disco-
verture, &c. (See a former section to same effect—here supplied,
in this vol. pa. 144.) 298
7. No judgment on record, in any court of this state, on 4th April,
1798, shall continue a lien on the real estate of the person against
whom the same has been entered, during a longer term than five
years thereafter, unless the person who has obtained such judg-
ment, or his legal representatives, or other person interested, shall,
within the said term of five years, sue out of the court, wherein
the same has been entered, a writ of *scire facias* to revive the
same. 331
8. No judgment thereafter to be entered in any court of record, in
this state, shall continue a lien on the real estate of the person
against whom such judgment may be entered, during a longer
term than five years from the first return day of the term of which
such judgment may be so entered, unless the person who may ob-
tain such judgment, or his legal representatives, or other persons
interested, shall, within the said term of five years, sue out a writ
of *scire facias* to revive the same—and proceedings in the *scire fa-
cias* in such cases prescribed—and so, after every period of five
years—and suits against sureties in official bonds, limited to seven
years after cause of action accrued, &c. 331-2
9. After the last day of December term, 1799—no judgment in the
supreme court, or any of the circuit courts, shall be a lien on real
estates, except in the county in which such judgment shall be ren-
dered. And every *testatum* execution shall be a lien on lands and
tenements only from the time of the delivery thereof to the sheriff,
&c. 358-9
- (Vol. 4.) 10. Recognizances of sheriffs, coroners, and their sureties, to operate
as liens on their real estates, &c. 48
11. Bonds taken for the surplus monies of lands sold for taxes, to op-
erate as liens on the lands sold, &c. (See also, vol. 5, pa. 93—with
respect to the town of Beaver.) 202
12. On patents to Connecticut settlers, the purchase money due there-
on, and endorsed on the patent, shall be and remain a lien on the
land, in nature of a mortgage, until the money shall have been
paid. 265
13. All and every dwelling house, or other building, constructed and
erected within the city and county of Philadelphia, after 17th

March, 1806, shall be subject to the payment of the debts contracted for, or by reason of any work done, or materials found, and provided, by any brick maker, brick layer, stone cutter, mason, lime merchant, carpenter, painter and glazier, iron monger, blacksmith, plaisterer, and lumber merchant, or any other person or persons employed in furnishing materials for, or in the erecting and constructing such house, or other building, before any other lien, which originated subsequent to the commencement thereof; but if such house, &c. should not sell for a sum of money sufficient to pay all the demands for work and materials, the same shall be apportioned according to the several demands. But such lien shall not continue longer than two years from the commencement of the building, unless an action for the recovery of the same be instituted, or the claim filed within six months after performing the work, or furnishing the materials, in the prothonotary's office of the county.—Satisfaction, how to be entered, when debt is paid, &c.

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(Extended to the boroughs of Erie, Lancaster, and Pittsburg, and proceedings to recover the money, &c. ib.

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14. On writs of partition, where equal partition of the lands cannot be made, and any purpart is charged with money to be paid, to equalize the same, it shall be a lien on the lands liable to pay the same. (So, vol. 3, pa. 387.)

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15. Livery stable keepers, and inn-keepers, to have a lien on horses, for the expense of their keeping. (See title "Inns, Inkeepers.")

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- (Vol. 5.) 16. Report of arbitrators, from the time of entry by the prothonotary to have the effect of a judgment, and to be a lien on the real estate of the party against whom it is made, until such judgment be reversed on appeal.

135

17. The balance of every account due to the commonwealth, settled by the auditor general, and state treasurer, shall be deemed and be adjudged to be a lien from the date of the settlement of such account, on all the real estate of the person, or persons indebted, and on his or their sureties, throughout this commonwealth.

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(See titles "Constable," No. 22—"Rates and Levies," No. 9.)

LIGHT-HOUSE.

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1. The light house at Cape Henlopen, &c. ceded to the United States.
2. The occupancy and use of certain lands near Presqu'isle ceded to the United States, for the purpose of erecting a light house thereon.
3. The land described by metes and bounds, containing two acres, reserving certain concurrent jurisdiction to the state, &c.

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LIME.

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1. The measurer of corn and salt, to be the measurer of lime brought for sale to the city of Philadelphia, in case of dispute, &c. and fees prescribed.

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LIMITATION OF ACTIONS.

&c. (Vol. 1.)

1. [Seven years quiet possession of lands, which were first entered on upon an equitable right, shall forever give an unquestionable title to the same against all, during the estate whereof they are, or shall be possessed, except in cases of infants, married women, lunatics, and persons not residing within the province, or territories.]
2. All actions upon the case, other than for slander, and actions for account, (other than such accounts as concern the trade of merchandize between merchant and merchant, their factors or servants,) and actions for trespass—debt grounded upon any lending, or contract without specialty, or for arrearages of rent—detinue, and replevin for goods or cattle, and trespass *quare clausum fregit*, shall be commenced and sued within six years next after the cause of such actions or suits, and not after; and actions of trespass, of assault, battery, wounding, imprisonment, or any of them, within two years next after the cause of such actions or suit, and not after; and actions upon the case for words, within one year after the words spoken, and not after.

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3. If, in any of the said actions or suits, judgment be given for the plaintiff, and the same be reversed by error, or a verdict pass for plaintiff, and upon matter alleged in arrest of judgment, the judgment be given against the plaintiff, that he take nothing by his plaint, writ or bill, then, and in every such case, the party plaintiff, his heirs, executors, or administrators, as the case may require, may commence a new action or suit, from time to time, within a year after such judgment reversed, or given against the plaintiff, as aforesaid, and not after. 77
4. If any person, who shall be entitled to any of the said actions, be, or at the time of any cause of such action given or accrued, fallen, or come, shall be within the age of twenty-one years, *feme covert*, *non compos mentis*, imprisoned, or beyond sea, such person shall be at liberty to bring the same actions, so as they take the same within such times as here before limited, after their coming to, or being of full age, discoverture, of sound memory, at large, or returning into this state, as other persons. 77
5. Actions upon promissory notes shall be commenced, sued and brought within such time as is appointed for commencing or suing actions upon the case, (*supra*, No. 2.) 91
6. No action shall be brought against any justice of the peace, for any thing done in the execution of his office, or against any constable or other officer, &c. unless commenced within six months after the act committed. 366
7. [Act of limitations suspended during a limited period.] (See note, vol. 1, pa. 78.) 521
8. Time limited in which claims may be made against the commonwealth, on old rights, or proprietary grants or conveyances of lands. 535
(See title "Land Office," No. 14.)
- (Vol. 2.) 9. No length of possession whatever of any part of any public street, or way, within the city of Philadelphia, encroached upon, shall be available to bar, or prevent the correction or removal of any nuisance, by buildings, enclosure, or otherwise, &c. 51
10. No person shall be sued, impleaded, molested, or troubled, for any offence against the *habeas corpus* act, unless such person be sued or impleaded for the same, within two years after the time wherein the said offence shall have been committed, in case the party grieved shall not be then in prison, or confined, or restrained, then within two years after the decease of the person imprisoned, confined or restrained, or his, or her delivery out of prison, or from such confinement, or restraint. 280
11. From henceforth, (26th March, 1785,) no person or persons whatsoever, shall make entry into any manors, lands, tenements or hereditaments, after the expiration of twenty-one years, next after his, her or their right or title to the same, first descended, or accrued; nor shall any person or persons whatsoever, have or maintain any writ of right, or any other real or possessory writ or action, for any manor, lands, tenements or hereditaments, of the seizin or possession of him, her or themselves, his, her or their ancestors, or predecessors, nor declare, or allege any other seizin, or possession of him, her or themselves, his, her or their ancestors or predecessors, than within twenty-one years next before such writ, action or suit, so hereafter to be sued, commenced or brought. 299
12. Any person now having right, title of entry as aforesaid, and the heir or heirs of such person, may within fifteen years from this time, (26th March, 1785,) enter or commence any action or suit, as he, his ancestors or predecessors might have done, before the passing of this act, (*infra*, No. 26.) 300
13. If any person, or persons, having such right, or title, be, or shall be at the time such right or title first descended, or accrued, within the age of twenty-one years, *feme covert*, *non compos mentis*, imprisoned, or beyond seas, or from and without the United States, then such person, or persons, and the heir, or heirs of such person, or persons, shall and may, notwithstanding the said twenty-one years be expired, bring his, or their action, or make his or their entry, as he,

she or they might have done, before the passing of this act, so as such person, or persons, or the heir, &c. shall within ten years next after attaining full age, &c. take benefit of, or sue for the same, and no time after the said ten years; and if such person or persons shall die within the said term of ten years, under any of the said disabilities, his or their heir or heirs shall have the same benefit such person or persons might or could have had, by living until the disabilities should have ceased, or been removed; and if any abatement happen in any proceeding, or proceedings upon such right or title, such proceeding, or proceedings may be renewed and continued, within three years from the time of such abatement, but not afterward.

300

14. No person or persons that now (26th March, 1785) hath or have any claim to the possession of any lands, tenements or hereditaments, or the pre-emption thereof, from the commonwealth, founded upon any prior warrant, whereon no survey hath been made, or in consequence of any prior settlement, improvement, or occupation, without other title, shall hereafter enter, or bring any action for the recovery thereof, unless he, she or they, or his, her or their ancestors or predecessors, have had the quiet and peaceable possession of the same within seven years next before such entry, or bringing such action. Provided, that if any person, or persons, so claiming as aforesaid, hath been forced, or driven away from his, her or their possessions, by the savages, or by the terror of them, or any other persons, or by any other means, except by the judicial authority of the state, hath quitted the same during the late war, then such person or persons, and his, her or their heirs, shall or may, notwithstanding the said seven years be expired, bring his, her, or their action, or make his, her, or their entry, within five years from the passing of this act.

300

15. All actions, suits, bills, indictments, or informations, which shall be brought for any forfeiture, upon any penal act of assembly, made or to be made, whereby the forfeiture is, or shall be, limited to the commonwealth only, shall hereafter be brought within two years after the offence was committed, and at no time afterwards; and all actions, suits, bills, or informations, which shall be brought for any forfeiture, upon any penal act of assembly, made or to be made, the benefit and suit whereof is or shall be, by the said act, limited to the commonwealth, and to any person or persons that shall prosecute in that behalf, shall be brought by any person or persons that may lawfully sue for the same, within one year next after the offence was committed; and in default of such pursuit, that then the same shall be brought for the commonwealth, any time within one year after that year ended; and if any action, suit, bill, indictment or information, shall be brought after the time so limited, the same shall be void; and where a shorter time is limited by any act of assembly, the prosecution shall be within that time.

300-1

16. Sheriffs' deeds *heretofore* executed, good after seven years quiet possession, notwithstanding certain defects, &c.

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17. No fine or common recovery, nor any judgment in any real, personal, or mixed action, nor any appeal from the register's courts, shall be avoided, or reversed for any defect or error therein, unless the writ of error be commenced, or the appeal brought and prosecuted with effect, within seven years after such fines levied, common recovery suffered, judgment signed, or entered of record, or decree be pronounced—with a saving to persons under the usual legal disabilities, within five years after such disabilities shall be removed.

34

18. Intestate's relations, and persons concerned, who shall not lay legal claim to their respective shares, within seven years after decease of intestate, shall be debarred from the same forever—the usual proviso, as to legal disabilities.

149

19. Money lost at play may be recovered back, if sued for within ten days; and prosecutions under the act against vice and immorality limited to thirty days after the offence committed.

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20. Suits against sureties of executors and administrators shall be instituted within seven years after the date of their respective bonds.

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21. Limitation of time during which debts shall remain a lien on the real estates of deceased persons.	298
(See title "Lien," No. 6.)	
22. Limitation of claims to city lots.	301
23. No suits on bonds, or recognizances given, or entered into by sureties of public officers, shall be instituted or maintained, from and after the expiration of seven years, to be computed from the time at which the cause of action shall have accrued, &c. (<i>infra</i> , No. 28.)	352
24. Prosecutions under the act to regulate the general elections, shall be brought within the proper county, within six months after the cause of prosecution shall accrue, and not otherwise.	352
25. The limitation act, (<i>supra</i> , No. 11, &c.) repealed, and rendered null and void, and declared to have no force or effect, within what is called the seventeen townships, in the county of Luzerne, nor in any case, where title is, or has, at any time, been claimed under what is called the Susquehanna Company, or in any way under the state of Connecticut, for any lands or possessions within this commonwealth.	421
26. The provisions and limitations in the third section of the limitation act, (<i>supra</i> , No. 12,) shall not be a bar to any person or persons, who, on passing said act, had any right, or title of entry, into any lands, tenements or hereditaments, or to the heir, or heirs, or assigns of such person or persons, until the expiration of three years from and after 26th March, 1800	435
27. The operation of <i>caveats</i> , in the land office, limited.	480-1
(See title "Caveat," No. 4.)	
(<i>Vol. 4.</i>) 28. Suits against sureties of sheriffs and coroners shall not be sustained, unless instituted within five years after the date of the recognizance or bond, (<i>supra</i> , No. 23.)	49
29. No action for the recovery of lands sold for taxes shall lie, unless the same be brought within five years after the sale thereof. (So, vol. 5, pa. 93.)	202
30. All actions, or prosecutions under the health law, shall be brought within twelve months after the commission of the offence.	317
(<i>Vol. 5.</i>) 31. Settlements of accounts, by the accounting department, if not appealed from, &c. shall, at the request of the party, within twelve months from the date of the settlement, be revised by the accounting officers; but after that time, no settlement on which a final discharge has been granted, shall be opened, but the same shall be quieted and finally closed.	231
32. The act of limitations, as to personal contracts, shall not be construed to run, or to have run, in favour of an insolvent debtor, during the time in which he was protected by a certificate, which shall be afterwards adjudged to have been fraudulently obtained. (Act of 13th March, 1812.)	324

LIQUORS. (See title "Spirituous Liquors.")

LIVERY STABLES. (See titles "Inns—Innkeeper."—and "Lien," No. 15)

LOAN OFFICE.

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LOCATION. } 1. The meaning of the word "Location," declared to be, an application, made by any person, or persons, for land in the office of the

- secretary of the late land office, and entered in the books of the said office, numbered, and sent to the surveyor general's office. 7
2. No location, &c. for lands within the depreciation, or donation, districts, shall be valid, or of any effect, in law or equity, but shall be null and void, &c. 61
3. The location of warrants, under the Act of 8th April, 1785, may be renounced, and the warrants may be re-located, &c. 320

(See title "Land office.")

LOTTERIES. }

(Vol. 1.) }

1. No person, or persons, whatsoever, shall publicly, or privately set up, erect, make, exercise, keep open, show, or expose to be played at, drawn at, or thrown at, any lottery, play, or device, or shall cause, or procure the same to be done, either by dice, lots, cards, balls, tickets, or any other numbers or figures, or in any other manner or way whatsoever—and five hundred dollars penalty on conviction for so offending—and all lotteries whatsoever, whether public or private, are declared to be common and public nuisances, and against the common good, and welfare of the province. 246
2. Whoever shall buy, sell, or expose to sale, or that shall advertise, or cause to be advertised, the sale of any ticket, or tickets, or device whatsoever, in such lotteries, plays, or devices, or that shall be aiding, assisting, or in any wise concerned, in managing, conducting, or carrying on such lotteries, plays and devices, by whatsoever name the same may be called, shall forfeit and pay twenty pounds on conviction thereof. 247
3. Whoever, *within this province*, shall buy, sell, or expose to sale, or shall advertise, or cause to be advertised, the sale of any ticket, or tickets, or device whatsoever, in any lottery, play or device whatsoever, which shall be set up, erected, made, exercised, kept open, shewn or exposed to be drawn at, played at, or thrown at, *in or at any place out of this province*, shall forfeit and pay twenty pounds, on conviction for every such offence. 247
4. The fines and penalties appropriated to the use of the poor, &c. 247
- (Vol. 3.) 5. If any person shall expose, or offer to sale, or sell, barter, or exchange, by public or private sale or contract, any ticket, or tickets, chance, or chances, or other evidence of chance or chances, or parts or shares of any ticket, chance, or evidence of chance, in any lottery, or other device in nature of a lottery, by whatsoever name it may be called, not authorized by the laws of this commonwealth, shall forfeit and pay, on conviction, for every ticket, chance, or evidence of chance, or part or share thereof, in such lottery, or other device, so offered, or sold, bartered or exchanged, five pounds, one moiety to the prosecutor, the other moiety for the use of the poor, &c. 60-1
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son, and shall suffer imprisonment during the war, and forfeit to the commonwealth one half of his or her lands and tenements, goods and chattels. 436

3. All offences, by this act, declared misprison of treason, shall be cognizable before any justice of the city or county where the offence was committed, or where the offender can be found; and every justice, on complaint to him made, on oath, &c. of one or more credible person, or persons, shall cause such offender to come before him, and enter into a recognizance, with one or more sufficient surety or sureties, to appear at the next quarter sessions, &c. and abide the judgment of the court, and in the mean time to keep the peace, &c. and for want of such surety, to commit him to gaol. 436

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2. If defendant appears, he may plead satisfaction on payment, of part, or all the mortgage money, or any other lawful plea, in avoidance of the deed, or debt, as the case may require 60

3. But if defendant will not appear at the return of the writ, if the case be such as damages only are to be recovered, an inquest shall be forthwith charged to inquire thereof, and the definitive judgment therein, as well as all other judgments to be given upon such *scire facias*, shall be entered, that the plaintiff in the *scire facias* shall have execution by *levari facias*, directed to the proper officer; by virtue whereof the mortgaged premises shall be taken in execution and sold, and conveyed to the buyer, and the money paid to the creditor; but for want of buyers, may be delivered to the creditor, as in other cases of sale and delivery of lands taken in execution—overplus, if any, to be returned to the debtor, &c. 60-1

4. No deed or mortgage, or defeasible deed, in nature of a mortgage, shall be good or sufficient to convey or pass any freehold or inheritance, or to grant any estate therein for life, or years, unless such deed be acknowledged, or proved, and recorded, within six months after the date thereof, where the lands lie. (See pa. 423.) 95

5. Any mortgagee of any real or personal estates, having received full satisfaction and payment of all such sum and sums of money as are really due to him on such mortgage, shall, at the request of the mortgagor, enter satisfaction upon the margin of the record, which shall forever thereafter discharge, defeat and release the same; and shall likewise bar all actions brought, or to be brought thereon. 95-6

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7. Every person duly convicted of murder, of the second degree, shall be sentenced to undergo a confinement in the gaol and penitentiary house of Philadelphia, for a period not less than five years, nor more than eighteen years, and shall be kept therein at hard labour, or in solitude, and shall in all things be treated and dealt with, as prescribed by the act to reform the penal laws. (Vol. 2, pa. 531.) [Punishment for a second offence, see pa. 190.] 187
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- sioned a notary, who shall not have resided within this commonwealth, two years next previous to his appointment. 6
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	3. If the person, or persons, in whose hands or possession, any such records, books, draughts, plans, papers, seals, or other official documents shall or may remain, shall refuse to deliver up the same, upon the reasonable request of any person legally commissioned to such office or appointment, the said officer shall forthwith apply to a justice of the peace, who shall issue process for such person or persons so refusing, and shall cause them, either by sufficient bail or commitment, to appear at the next court of quarter sessions for the proper county, there to be proceeded against by way of indictment for the offence aforesaid.	192
	4. Every person legally convicted, by verdict of a jury, of detaining from any person duly commissioned to any office or appointment,	

any records, books, draughts, plans, papers, seals, or other documents, to such office or appointment belonging, or in any wise appertaining, after reasonable demand made, the court before whom such verdict is given, shall sentence such person to be committed in close custody, in the gaol of the proper county, there to remain without bail or mainprize, until such papers, so found by verdict, to be in his, her, or their possession, shall be delivered to the proper officer; and shall moreover pay a fine, not exceeding one hundred dollars; one half to be paid to the officer from whom the documents were detained, and the other half to the use of the commonwealth.

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- (Vol. 3.) 2. If any person who has been, or shall be, legally indicted in any court of criminal jurisdiction, of any treason, felony of death, robbery, burglary, sodomy, or b—gg—y, or as accessories before the fact, to any of the same offences, did not, or will not appear to answer such indictment, or having appeared, shall escape before trial, and the same indictment, record and proceedings shall be removed by *certiorari* into the supreme court, the said court may award a writ of *cañas*, directed to the sheriff of the county where the fact shall be charged to have been committed; and if the party indicted shall be supposed by the indictment to inhabit, or be conversant in, any other county, then also to the sheriff of such county; which writ, or writs, shall be delivered to the said sheriff or sheriffs, at least two months before the day of the return thereof, commanding the said sheriff, or sheriffs, to take the person, so indicted as aforesaid, if he, or she, may be found in his or their bailiwicks, and him safely keep, so that he may have his or her body, before the justices of the said supreme court, at the next supreme court, to answer to the said indictment, or prosecute his or her traverse thereupon, as the case may be, and to be further dealt with, as the law shall direct. 37-8

3. If the sheriff, or sheriffs, shall make return to the writ, or writs of *capias*, that the person, so indicted, cannot be found in his bailiwick, then, after such return, a second writ of *capias* may issue out of the said court, and be delivered, at least three months before the return day thereof, to the sheriff of the county where the fact shall be charged to have been committed; and if the party shall be supposed, by the indictment, to inhabit, or be conversant in, any other county, then another writ of *capias* shall also issue, and be delivered, at least three months before the return day thereof, to the sheriff of such county; which writ, or writs, of *capias*, shall be returnable before the justices of the same court, on the first day of the second term next after the *teste* of the said second writ of *capias*, so that a term shall intervene between the *teste* and return days of the same writ or writs, whereby the said sheriff, or sheriffs, shall be commanded to take the said person, so indicted, if he or she may be found in his, or their bailiwicks, and him or her safely keep, so that he may have his or her body, before the said justices, at the return day thereof, to answer, or prosecute his, or her traverse, as aforesaid. 53
4. But if he, or she, cannot be found in his, or their bailiwicks, then to cause public proclamation to be made on three several days, in one of the courts of quarter sessions of the peace, to be held for the said counties, respectively, between the *teste* and return days of the same writ or writs, that the party, so indicted, shall appear before the said supreme court, at the time and place contained in the same writs, to answer such indictment, or prosecute his or her traverse thereof, as the case may be, or through default thereof, he, or she, will, at the return of the same writ, or writs, be outlawed, and attainted, of the crime whereof he, or she, was indicted, as aforesaid. 53
5. And the said second writ of *capias*, directed to the sheriff of the county where the crime hath been, or shall be charged to have been committed, shall contain a further clause, commanding the same sheriff, in case the person so indicted, cannot be found in his bailiwick, to cause public advertisement to be made, in one or more of the public newspapers of this state, once a week, in six succeeding weeks, between the *teste* and return of the said second writ of *capias*, specifying therein the coming of the said second writ of *capias* to his hands, with the *teste* thereof, and the time and place of return to be made thereof, naming the person indicted as aforesaid, with his, or her, addition of degree, mystery, and place of abode, as contained in the writ, stating the nature of the offence charged against him, or her, and commanding him, or her, to appear before the said court, at the day and place directed by the said second writ of *capias*, to answer to the said indictment, or prosecute his, or her, traverse thereof, as the case may be, or through default thereof, at the return of the said second writ of *capias*, he, or she, will be outlawed, and attainted of the crime whereof he, or she, shall have been indicted, as aforesaid. 53
6. And if upon the return of the same writ, or writs, last mentioned by the said sheriff, or sheriffs, that the directions of the said writ, or writs, had been fully complied with and pursued, and the person, so indicted, shall not yield himself, or herself, to one of the said sheriffs, so that he may have his, or her, body before the said court, at the day and place, as directed by the said writ, or writs, or, having surrendered himself, or herself, shall escape from his custody—or, having been bailed on his, or her, surrender, or cap-tion, shall not appear, so that, through want of his, or her, appearance at the time and place the said court shall appoint for his, or her, trial; no trial of his, or her offence can be had, the said court shall, in either of these cases, pronounce and declare, the said person, so indicted, and not appearing at the time and place appointed for his, or her, trial, as aforesaid, to be outlawed, and attainted, of the crime whereof he, or she, shall have been indicted, as aforesaid, the said court taking care to pronounce and declare the judgment of outlawry against the principal offender, previously to the declaration of outlawry against the accessory, against whom in all

other respects, it shall be lawful to carry on the proceedings together; and at the same time, the said supreme court shall declare the legal punishment for the same crime. 39

7. Wherever imprisonment shall be part of the sentence for any of the said offences, the term thereof shall commence from the time the person outlawed shall, subsequent to his, or her outlawry, be in the custody of the sheriff of the county where the offence was, or shall be, committed; which sentence shall be fully and particularly entered upon the records of the said supreme court, and the said sentence of outlawry, shall have the legal effect of a judgment upon verdict, or confession, against the person so outlawed, for the offence whereupon he, or she, shall have been outlawed, unless, and until, the same outlawry shall be afterwards avoided by the judgment of the same court, on plea pleaded in the nature of a writ of error. 39

8. When any person outlawed, as aforesaid, shall be taken, either by *capias utlagatum*, or otherwise, or, being in the sheriff's custody, shall be brought to the bar of the supreme court, the court shall, upon the suggestion and prayer of the attorney general, award execution to be done upon him, or her, unless the prisoner shall plead, either *ave tenus*, or in writing, as his, or her, counsel shall advise, that he, or she, was not the person who was outlawed, or shall assign errors in fact, or in law, sufficient to prevent the award of execution; in which case the court shall proceed to determine the same, either by an inquest, or by their own judgment, agreeably to law, and the prisoner, by such plea, shall have all the benefit and advantage of all legal matters in his, or her, favour, as if he, or she, had brought a writ of error, and had assigned the several matters pleaded, as errors. 39-40

9. And if any person outlawed, shall, within the space of one year next after the outlawry pronounced against him, or her, yield him, or herself to one of the justices of the supreme court, and offer to traverse the indictment whereon the said outlawry shall be pronounced, as aforesaid, then he, or she, shall be received to the same traverse, and being thereupon found not guilty, by the verdict of a jury, of the offence for which he, or she, shall have been outlawed, as aforesaid, he, or she, shall be clearly acquitted, and discharged of the said outlawry, and of all the penalties and forfeitures by reason of the same, as fully as if no such outlawry had been had. 40

10. The costs to be paid by the county where the crime is said to have been committed; but if the outlaw has real or personal estate, the same shall be sold by warrant of the county commissioners, for the costs, &c. 40

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	of any tenant in common, joint-tenant, or co-partner; and such writs	
	may be directed to, and executed by the sheriff of any one county,	
	wherein any part of the lands and tenements intended to be divided,	
	are situate, who shall have power, in cases where lands lie in differ-	
	ent adjacent counties, or where the lands lie partly in one county,	
	and partly in another, to summon a proportionable number of jury-	
	men, of the freeholders of each of the said counties, to form an in-	
	quest for making a just and equal partition between the parties; and	
	such sheriff shall hold the inquest, either in his own county, or any	
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	inary cases; and such proceedings shall be as good and available	
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	2. Where writs of partition shall issue from the supreme court, or any	
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	be of opinion that the lands or tenements cannot be divided accord-	
	ing to the command of the writ, without prejudice to, or spoiling the	
	whole, the said inquest shall then make and return to the court, a	
	just valuation and appraisement of such lands and tenements; and	
	if the court shall approve thereof, and any one, or more, of the par-	
	ties shall elect to take the said lands and tenements, at the appraised	
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	ing, or securing to be paid, to the other parties, their proportions of	
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	3. But if each of the persons interested, or more than one of them, shall	
	be willing to take the lands and tenements at the appraised value,	
	then the court shall determine to whom the lands and tenements	
	shall be conveyed; and the sheriff, and his successor in office, shall,	
	according to the said order of court, make and execute conveyances	
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likely to give fair and full notice of such sale to all the parties concerned, and others, which public notice shall be given at least twenty days before the time of sale, where the lands all lie in the same county, and at least sixty days where they lie in different counties; and the sheriff shall execute deeds to the purchasers, on receiving the consideration money, or security therefor to the satisfaction of all the parties concerned; which money, or securities shall be brought into court, before, or at the time of the sheriff's acknowledging the deed in open court, to be distributed and paid by order of the said court, to and amongst the several parties intitled to receive the same, in lieu of their respective parts, &c.

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7. All the foregoing powers vested in the respective courts of common pleas; but in every case the writ of partition shall be directed to the sheriff of the county in which it issues.

335

8. An exemplification of the proceedings, together with the deed of conveyance made by the sheriff, shall within six months after the execution thereof, be delivered to the recorder of deeds in such adjoining county, or counties, in which the application shall not have been made, and in which any part of the said lands are or may be situated; which recorder shall enter the same on record of his proper county, at the joint expense of all parties concerned therein.

335

9. All lands not seated, or improved, but remaining in their natural state, shall be divided and valued according to the second section of the foregoing act, (*supra*, No. 2, 3, 4,) and the third section of the same act, (*supra*, No. 6,) is repealed.

335

10. The courts of common pleas of the different counties, authorized to issue writs of partition in all cases in which partition is demanded, of all lands, tenements or hereditaments, owned and held in joint tenancy, coparcenary, or in common, and whether the demandant, or defendants be minors, or of full age.

399

11. And where a minor, or minors, is, or are, the defendant, or defendants in any action of partition, the writ shall be served on his, her, or their guardian or guardians; or, if he, or she, have no guardian, then upon a guardian to be appointed for this purpose by the court or notice thereof given in the manner herein after directed.

399

12. Upon appearance of the parties, or on default being made, the court shall proceed to examine the plaintiff's title, and quantity of his part, or purpart, and accordingly as they shall find his right, or purpart to be, they shall give judgment, and award a writ to make partition, whereby such proportion, or purpart, shall be set out in severalty, which writ being executed after ten days public notice, and the inquest of partition being returned, and final judgment thereupon entered, the same shall be good, and shall conclude all persons whomsoever, in the same manner as though the parties were under no disability of age or otherwise, and notwithstanding all persons concerned are not named in the proceedings, nor the title of the defendants truly set forth.

399

13. If any defendant, or other person, against whom, or against whose right or title, judgment by default be given, shall, within the space of one year after the final judgment entered, apply to the court by motion where such judgment is entered, and shew a good and probable matter in bar of such partition, or that the plaintiff hath not title to so much as he hath recovered, then the court may suspend, or set aside, such judgment, and admit the party to appear and plead, and the cause shall proceed according to the due course of law; and if the court, upon hearing thereof, shall adjudge for the plaintiff, then the said first judgment shall

stand confirmed; or in case such defendant, or other person shall, within the time aforesaid, appear, and admit the plaintiff's title, part, or purpart, and shew to the court any inequality in the partition, the court may award a new partition to be made in presence of all parties concerned, if they will appear, notwithstanding the return, and filing upon record, of the former, which second partition, returned and filed, shall be good and firm against all persons whomsoever.

14. Where any of the defendants in any action of partition, reside in the county where the lands lie, service of the said writ shall be made upon them, by the sheriff of the county, or his deputy, by leaving a copy of the writ, at his, her, or their usual place of abode, at least fifteen days before the return day thereof. 399
15. When any of the said defendants reside out of the county where the lands lie, but within this commonwealth, service of the writ shall be made upon them in like manner, by the sheriff of the county where the lands lie, or his deputy. 399
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18. No plea in abatement shall be admitted or received in any suit for partition: nor shall the same be abated by reason of the death of any defendant. 400
19. Where equal portion in value cannot be made of any share or purpart, the sheriff and inquest shall have power to equalize such partition or purparts, by valuing the purparts respectively, and to award that any one or more shares or purparts, shall be subject to the payment of such sum of money as shall be equal to the difference in value of any other share or shares, purpart or purparts, and shall return the same with their inquest, which sum, or sums of money, when final judgment shall be rendered on such writ of partition, shall be a lien on the lands and tenements, which the inquest aforesaid shall have determined to be liable to pay the same. 400
20. Instead of the provision, (*supra*, No. 16,) which requires the publication of the *copy* of the writ of partition, in certain cases, which, by experience, is found to be grievous, and unnecessarily expensive, it shall be sufficient to make publication of the *nature and substance* of any such writ of partition; and if such publication be made in such daily newspaper one day in each week, for six weeks successively, prior to the return day of the writ, and in the same manner in one newspaper printed within, or nearest to the county where such writ is to be executed, it shall be deemed an effectual service in the cases thereby intended to be provided for. 518-19

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(Vol. 4.)	2. Every person exercising the profession of a pilot in the bay, or river Delaware, shall apply in person to the board of wardens of the port of Philadelphia, for a license; and at least three of the wardens shall examine him as to his fitness, in all respects, to perform the duties of a pilot; and license all such as they shall deem qualified, according to their respective abilities; those of the first class, to persons capable of piloting ships or vessels of any practicable draught of water; those of the second class, to persons capable of piloting ships or vessels drawing twelve feet water, or under; those of the third class to persons capable of piloting ships or vessels drawing nine feet, or under; to be in force for one year from the date of the license, and until the pilots, respectively, shall next after the expiration of the year, arrive with any ship, or vessel, at the port of Philadelphia, and no longer.	73
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	7. No person shall be entitled to a license as a pilot for any branch, without first having, under the immediate inspection of his master, conducted a square rigged vessel, (at least brig rigged) twice up, and twice down the river	74

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8. Any person licensed as a pilot, who shall for two weeks refuse, or wilfully neglect to execute the duties of a pilot, on due proof thereof, shall forfeit his license. 74
 9. If any pilot shall enter into any combination, with a view of preventing any other person from executing such duties, and be thereof convicted, he shall forfeit his license for the bay or river Delaware. 74
 10. If the number of pilots necessary for the port, should be reduced by decease, removal, or otherwise, as to occasion much inconvenience to the trade of the state, the wardens, or any three of them, in such case, may grant certificates to such persons as they may find qualified to act as pilots, for six months, renewable, if occasion require it, subject to the like rules, &c. as other pilots. 74
 11. The pilot who shall first offer himself to any inward bound ship, or vessel, shall be entitled to take charge thereof, if his license authorize him to pilot a ship of such draught of water, and if required, he shall exhibit his license to the master of such ship.—And if the draught of water be greater than he shall be licensed to carry, he may nevertheless, with the consent of the master, take charge of such ship, until a pilot, duly qualified, shall offer; and if such qualified pilot shall offer before such ships shall have passed Reedy island, he shall be received, and the former pilot entitled to pilotage, according to the distance he may have conducted such ship, and the latter to the residue, which shall be ascertained by the master warden.—And the master of such ship shall display the signal for a pilot, heretofore used, until a pilot duly qualified shall offer; and on refusal or neglect so to do, or to receive a pilot duly qualified, the master, owner, or consignee of such ship, shall forfeit and pay the wardens, a sum equal to half pilotage of such ship, to the use of the society for the relief of distressed and decayed pilots, &c. to be recovered, &c. 74-5
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 13. The pilot shall inform the master of every vessel he shall conduct to the port of Philadelphia, of the rules and regulations necessary in reporting at the warden's office. 75
 14. The master of any outward bound vessel shall remain twenty-four hours, after his arrival at the capes, to give the pilot an opportunity to be taken out, and on refusal, if it can be done without endangering the vessel, the master shall forfeit and pay to such pilot, his executors, &c. any sum not exceeding eight hundred dollars, to be recovered, &c. 75
 15. If any first rate pilot, having a boat attending him, shall be carried to sea in any ship contrary to his inclination, by stress of weather, or other unavoidable accident, the master, owner, or consignee of such ship, shall pay him the same wages the master receives, until his return to the capes, or in case of his death, while absent, to his executors, &c. to the time of his death.—A second rate pilot, the same wages as the first mate receives; and a third rate pilot, the same wages as the seamen receive—but not having a boat attending, then half the said wages. 75
 16. If any inward bound vessel, having a pilot on board, shall be prevented by ice, or other cause, from proceeding to the port of Philadelphia, and shall be compelled to proceed to any other place not in the river Delaware, or bay, he shall receive and recover from the owner or consignee, the full pilotage as if he had conducted the vessel to the port of Philadelphia, and eight cents for each mile he shall travel to his place of abode. 75
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20. Pilots' compensation for conducting dismasted, or crippled vessels, in any wise injured, so as to occasion the pilot any extraordinary care or trouble, to be double what they would otherwise be entitled to, of which the board of wardens shall judge. 76
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22. When any inward bound vessel, having a pilot on board, shall be detained by ice, and conducted by him to a place of safety, the master of such vessel, after being detained forty-eight hours, may discharge his pilot, and the pilot shall receive, and recover full pilotage, as if he had conducted the ship to the port of Philadelphia; and if detained more than forty-eight hours, he shall receive two dollars a day for every day he shall be so detained. 77
23. If any pilot shall misbehave in the execution of his duty, so that damage shall accrue by reason of his negligence, or incapacity, the person injured may complain to the wardens, who shall appoint a time and place of hearing, due notice being given to the pilot; and on due proof thereof, the wardens may fine such pilot, in any sum not exceeding the amount of the pilotage of the ship so damaged, for the use of decayed pilots, &c. or may suspend the pilot for such time as they may think proper, and the pilot shall deliver up his license, to be kept by the wardens till the time of suspension shall have expired. And the owner or consignee of the ship may recover his damages in any court having jurisdiction. 77
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25. Every pilot, who shall pilot any vessel to the port of Philadelphia, shall, within forty-eight hours next after her arrival, report the same to the warden's office, specifying the name of the master, and, to the best of his information, the number of persons on board; and on neglect or refusal so to do, or knowingly making a false report, he shall forfeit and pay for every such offence, twelve dollars, for the use of decayed pilots, &c. to be recovered, &c. 78
26. If any pilot, endeavouring to assist, or relieve any vessel in distress, shall suffer loss or damage in his boat, sails, tackle, rigging, or appurtenances, the master, owner or consignee of such vessel, shall pay the value of such loss or damage, to be ascertained by the board of wardens. 78
27. The compensation to pilots for conducting vessels which are not registered, but which are the sole property of any citizen, or citizens, of any of the United States, shall be the same that is paid for registered vessels of similar draught of water, whether such unregistered vessel is inward or outward bound, from, or to, the port of Philadelphia. 186
28. No pilot bringing a vessel to the lazaretto, in an apparent state of good health, shall be obliged to perform quarantine, but the lazaretto physician shall grant him a certificate, permitting him to proceed to the cape of Delaware, to prosecute his profession; but he shall not, on any pretence, come into the City, Northern Liberties, Southwark, or Moyamensing, for twenty days from the date of such certificate, under penalty of one year's imprisonment, and one hundred dollars, to be recovered, &c. 314
29. And any pilot, bringing to the lazaretto, a vessel infected, or supposed to be infected, with any pestilential or contagious disease, may be permitted to go, and remain on shore, within the bounds of the lazaretto, during the time the vessel shall be detained under quarantine.—And if the vessel shall be infected with any such disease, he shall be detained, and treated like infected seamen or passengers:—And if he shall go without the bounds of the lazaretto, be liable to the same penalties as are imposed on seamen, or passengers. 314

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[Legal settle- 13. If any person who shall come to inhabit in any borough, township, ment.] or place, shall for himself, and on his own account, execute any public office, in said place, being legally placed therein, during one whole year ;—or, shall be charged with and pay his or her share of the poor rates, of such place, for two years successively ; or, shall really, and <i>bona fide</i> , take a lease of lands or tenements, in said place, of the yearly value of ten pounds, and dwell in, or upon the same for one whole year, and pay the said rent ;—or, shall become seized of any freehold estate in any lands or tenements in said place, and shall dwell in, or upon the same, for one whole year ;—or, if any unmarried person, not having children, or child, shall be lawfully bound, or hired as a servant, in said place, and shall continue, and abide in such service during one whole year ; or, shall be duly bound an apprentice, by indenture, and shall inhabit in said place, with his, or her master or mistress, for one whole year ; such person shall be adjudged, and deemed, to gain a legal settlement in such borough, township, or place.	338-9

— The same provision, for the city of Philadelphia, Southwark, and Northern Liberties—b^y the residence, under any lease, shall be for one whole year, *at one and the same time*. Vol. 4, pa. 57, (consolidating act.)

(*Infra*, No 30.)

—(Of indented servants, imported, &c.]

Every indented servant, legally imported from Europe, shall obtain a legal settlement in the borough, township, or place, in which he shall first serve with his, or her master, or mistress, the space of sixty days; and, if afterwards such servant shall duly serve in any other place for the space of twelve months, he shall obtain a legal settlement in the place where such service was last performed, either with his, or her, first master, or mistress, or on an assignment.—And all mariners, and every other healthy person, directly coming from Europe, shall be legally settled in the place in which he, or she, shall first settle and reside for the space of twelve months.

(Mariners, &c.)

— Similar provision, under the consolidating act, for the city, Southwark, and Northern Liberties.—The sixty days service with the first master, to be immediately after his arrival; or, having so served in any other place, within the state, shall serve in the city, &c. for one year, &c. vol. 4, pa. 58.

—(Married women.)

15. Any married woman shall be deemed, during coverture, and after her husband's death, to be legally settled in the place where he was last legally settled; but if he shall have no known legal settlement, then she shall be deemed, whether he is living or dead, to be legally settled in the place where she was last legally settled before marriage.

— Same provision for the city, Southwark, and Northern Liberties, under the consolidating act, vol. 4, pa. 58.

[Certificate.]

16. If any person shall come out of any borough, township, or place, into another borough, township, or place, there to inhabit and reside, and shall procure, bring and deliver to the overseers of such place, a certificate, under the hands, and seals of the overseers of the place, from whence he, or she removed, to be attested by two or more credible witnesses, thereby acknowledging the person mentioned in said certificate, to be an inhabitant legally settled in said place, every such certificate, having been allowed of, and subscribed, by one or more justices of the city or county, where such place doth lie, shall oblige the said place to provide for the person mentioned in said certificate, together with his or her family, as inhabitants of that place, whenever he, she, or they shall happen to become chargeable to, or be obliged to ask relief of the place to which such certificate was given, and into which he, or she, was received by virtue thereof; and then, and not before, any such person, and his or her children, (though born in the place,) and his or her servants and apprentices, not having otherwise acquired a legal settlement there, may be removed, conveyed and settled in the place from whence such certificate was brought; and the witnesses, or one of them, who attest the execution thereof, shall make oath, &c. before the justices who are to allow the same, that they, or he, saw the overseers, whose names and seals are thereunto subscribed and set, severally, sign and seal the same, and that the names of such witnesses are of their own proper hand writing; and the said justices shall also certify that such oath was made before them; and every such certificate, so allowed, &c. shall be taken and received as evidence, without other proof thereof. And no person so coming by certificate into any place, nor an apprentice or servant to such person, shall be deemed, or adjudged, by any act whatsoever, to have gained a legal settlement therein, unless such person shall, after the date of such certificate, execute some public annual office, in said place, being legally placed therein.

— Same provision for the city, Southwark, and Northern Liberties, under the consolidating act. Vol. 4, pa. 58.

17. No person who shall come into any place, without such certifi-

cate, (mariners, and other healthy persons coming from Europe, excepted,) shall gain a legal settlement therein, unless such person shall give security, if required, at his, or her, coming into the same, for indemnifying and discharging the said place, to be allowed by any justice, &c. 340

— Same provision under the consolidating act for the city, Southwark, and Northern Liberties. Vol. 4, pa. 59.

- [Removal.] 18. On complaint by the overseers of any place, to one or more justices of the county in which such place is, any two justices of the county, where any person is likely to become chargeable to the place where he or she shall come to inhabit, may, by their warrant, or order, directed to the said overseers, remove and convey such person to the place where he, or she, was last legally settled, unless such person shall give sufficient security to discharge and indemnify the place to which he, or she, is likely to become chargeable—but any persons aggrieved may appeal to the next sessions of the county, from whence he or she shall be removed, and not elsewhere, which court shall determine the same; and if there be any defects of form in the order, the sessions shall amend the same without costs, and proceed to hear the truth, and merits of the case: but no such order of removal shall be proceeded upon, unless reasonable notice be given by the overseers appealing, to the overseers of the place from which the removal shall be; and if not given, the appeal shall be adjourned to the next sessions. 340-1

(Appeal.)

— Similar provision, under the consolidating act, for the city, Southwark, and the Northern Liberties. Vol. 4, pa. 59.

19. The sessions, upon any appeal concerning the settlement of a pauper, or proof made before them, of notice of such appeal being given by the proper officer, to the overseers of any place, (though the appeal be not prosecuted afterwards) shall order to the party, in whose behalf such appeal shall be determined, or to whom notice appeared to be given, such costs and charges as the sessions shall think reasonable and just, to be paid by the overseers, or others, against whom the appeal shall be determined, or by the person giving such notice. And if the person ordered to pay such costs and charges, shall live out of the jurisdiction of the court, any justice, where such person shall inhabit, on request to him made, and a true copy of the order for payment thereof, certified under the hand of the clerk of the court, shall, by his warrant, cause the same to be levied by distress; and if no such distress can be had, shall commit such persons, without bail or mainprize, until the costs and charges be paid. And if the court, on appeal, shall determine in favour of the appellant, that the pauper was unduly removed, they shall, at the same sessions, order and award to the appellant so much money as shall appear to the court to have been reasonably paid by the place on whose behalf the appeal was made, towards the relief of such pauper, between the time of such undue removal, and the determination of the appeal, with costs as aforesaid, to be recovered as aforesaid. 341

— Same provision, under the consolidating act, for the city, Southwark, and Northern Liberties. Vol. 4, pa. 60.)

20. House keepers and inhabitants, receiving and entertaining any person, (mariners and healthy persons coming immediately from Europe, excepted,) who shall not have gained a legal settlement in some place in this state, and shall not give notice thereof, in writing, within ten days next thereafter, to the overseers of the poor of such place, and be thereof legally convicted, shall forfeit twenty shillings for every such offence, to be recovered, &c. And if the person so entertained, or concealed, shall become poor, and unable to maintain him, or herself, and cannot be removed to his last legal settlement, in any place, if any he, or she hath, or shall die, and not have wherewithal to defray the charges of his or her funeral, such house keeper, &c. shall maintain such poor person, and in case of his, or her death, pay the overseers so much as

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- shall be expended in burying him or her—and mode prescribed for enforcing such maintenance, and recovering such money, &c. 342
- Similar provision under the consolidating act, for the city, Southwark, and the Northern Liberties, vol. 4, pa. 61.
21. If any person be removed from one place to another, by warrant, or order of two justices, the overseers of the place to which such person shall be removed, shall receive the said person, under the penalty of forfeiting five pounds for every offence of refusal, to the use of the poor, to be recovered, &c. 343
- Similar provision, under the consolidating act, for the city, Southwark, and Northern Liberties, vol. 4, pa. 62.
22. If any pauper shall come out of the city, or any borough, township, or place, in this state, into any other place, and shall fall sick, or die, before he or she shall have gained a legal settlement in such place, so that he, or she cannot be removed, the overseers of the place to which such pauper is come, shall, as soon as conveniently may be, give notice to the overseers of the place where such pauper had last gained a legal settlement, of the name, circumstances and condition of such pauper: And if the overseers to whom such notice is given, shall neglect, or refuse to pay the monies expended for the use of such pauper, and to take order for relieving and maintaining him or her, or in case of his, or her death, before notice can be given, shall, on request being made, neglect or refuse to pay the monies expended in maintaining and burying such pauper, then two justices of the place where such pauper was last legally settled, on complaint made to them, shall cause such monies to be levied by distress, &c. and the overseers, if aggrieved, may appeal to the next sessions of the place where such justices reside, and not elsewhere, who shall hear, and finally determine the same. 343-4
- Similar provision, under the consolidating act, for the city, Southwark, and Northern Liberties. Vol. 4, pa. 63.
23. The father and grandfather, the mother and grandmother, and the children of every poor, old, blind, lame and impotent person, or other poor person, not able to work, being of sufficient ability, shall at their own charge, relieve and maintain every such poor person, as the next sessions of the place where such poor persons reside, shall order and direct, on penalty of forty shillings for every month they shall fail therein. 344
- Similar provision under the consolidating act, for the city, Southwark and Northern Liberties—extending it to *grand-children*, and the penalty to seven dollars. Vol. 4, pa. 65, and see vol. 5, pa. 392.
24. The overseers, having first obtained a warrant, or order from two justices of any borough, township, or place, where any wife or children, shall be deserted, and left a charge upon such place, to take and seize so much of the goods and chattels, and receive so much of the annual rents and profits of the real estate of the husband, father or mother, as the justices shall order and direct, for providing for such wife, and maintaining and bringing up such child, or children; which warrant, or order, being confirmed at the next sessions, the court may order the overseers to dispose of such goods and chattels, by sale, or otherwise, or so much of them, for the purposes aforesaid, as the court shall think fit, and to receive so much of the rents aforesaid, for said purposes, as shall be ordered by said court—And if no real, or personal estate of such husband, father, or mother can be found, wherewith provision can be made, as aforesaid, the court may order the payment of such sums, as they shall think reasonable, for the maintenance of any wife, or children, so neglected, and commit such husband, father or mother, to gaol, to remain until he or she comply with such order, give security for the performance thereof, or be otherwise discharged by said court; such husband, on complaint, to be bound over by a justice, to the next sessions. 344-5
- Similar provision under the consolidating act, for the city, Southwark, and Northern Liberties. Vol. 4, pa. 65, and in the supplement of 51st March, 1812, vol. 5, pa. 393, which repeals and supplies the former.
25. Fines, penalties and forfeitures, under this act, to be recovered by distress, &c. on a warrant from a justice: but persons aggrieved, may appeal to the next sessions of the place where the sentence was given, (ex-

cept in cases of removals, and in cases of poor persons becoming chargeable in one place, who are legally settled in another, and are otherwise provided for by this act,) whose decision, in all such cases, shall be conclusive. . . . 345

. . . . So, in the city, Southwark, and Northern Liberties, under the consolidating act, vol. 4, pa. 66

26. Overseers, or others in his aid, and by his command, sued for any thing done concerning his office, may plead the general issue, and give this act, and any special matter in evidence; and if the plaintiff shall fail in his action, discontinue the same, or become nonsuit, he shall pay double costs. . . . 345-6

. . . . So, in the city, Southwark and Northern Liberties, by the consolidating act—vol. 4, pa. 66.

- (Vol. 2.) 27. The act (foregoing) revived and made perpetual. . . . 13

- (Vol. 3.) 28. The justices of the peace, and the judges of the several courts of this commonwealth, are authorized to admit, in all cases respecting the settlement of paupers, the testimony of every other legal witness, notwithstanding he, she, or they, may be inhabitants of the city, district, or borough, township, or townships, concerned. . . . 126

- [Lancaster and Chester.] 29. An act to provide for the erection of houses for the employment and support of the poor, in the counties of Chester and Lancaster. . . . 306

- (Vol. 4.) The directors empowered to bind out apprentices. . . . 109

. . . . The directors to furnish the county commissioners annually, with an estimate of the sum wanted for the use of the poor, which shall be assessed and collected in addition to the county tax. . . . 388

- [And Delaware.] If on the death of any pauper, in either of the poor houses of Chester, Lancaster and Delaware, it should appear, that such pauper died possessed of property, it shall be recovered, collected by, and vested in such institutions, and be applied to the support thereof—but the directors to give notice, &c. and pay the same to the legal representatives, after deducting the expenses incurred on account of the pauper, if claimed within three years after his death. . . . 386

. . . . In Chester and Montgomery counties, the directors shall annually publish in the newspapers, detailed statements of the receipts and expenditures—The number of directors in Chester, reduced to three, and office of treasurer abolished. Vol. 5, pa. 185.

30. If the last legal place of settlement of any pauper shall be in any township which may be divided by the court of quarter sessions, and such pauper shall become chargeable after the division thereof, he shall be supported by that township, within the territory of which he resided at the time of gaining the settlement. . . . 31

- [City of Philadelphia, and Liberties.] 31. Act consolidating and amending the poor laws, as far as they respect the city, &c. The time, places and manner of appointing guardians of the poor, and the number of them, for the city, district, and township, prescribed—Notice to be given to the persons chosen, two days after their appointment. After the appointment of managers, the remaining number of guardians to be divided by lot into two classes, and successors to be elected for one year, one half on the third Monday in May, and one half on the third Monday in November annually.—Vacancies by death or removal to be supplied within two days after information thereof—Guardians to take an oath, &c. (prescribed) before they enter on the duties of their office; and penalty for neglect, or refusal thereof—None but citizens to be guardians—Incorporated, by the name of "The Guardians of the Poor of the city of Philadelphia, the district of Southwark, and the township of Northern Liberties."—Eight managers of the house of employment to be appointed by the guardians, four to be from the city, two from Southwark, and two from Northern Liberties, to be divided into classes, one half to be chosen in May, and the other half in November, annually, so that four are appointed every six months. Vacancies to be supplied from the body of the guardians, for the unexpired time of the manager whose place is vacant. Their duties prescribed; their books to be kept open for the inspection of the

- guardians ; and while in office to be exempted from all other duties of guardians, and from serving on juries—the managers to take an oath, &c. (*infra*). 50-2
- The managers empowered, under certain conditions, to lay an assessment, not exceeding a given amount ;—the manner of proceeding therein ;—to appoint collectors of the poor tax, who shall reside within the proper district, and shall give bond, &c. and the powers and duties of the collectors prescribed. 53-4
- A treasurer to be annually appointed by the managers and guardians, out of their own body ;—his duties prescribed ;—to give bond, &c. None to hold said office longer than three years in any term of six years. 55
- The managers shall appoint a clerk, removable at pleasure, to give bond, &c. his duties prescribed—and salary not to exceed four hundred dollars, annually. 55
- The guardians, with the consent of any alderman of the city, or justice of the district, or township, may afford relief to the sudden necessity of any poor person, not exceeding eight dollars within three months ; and they shall state the circumstances of such case to the next general meeting of the guardians, who shall take measures to have such person removed to the place of his legal settlement. (See vol. 5, pa. 392. This repealed and supplied.) 55-6
- In cases that require immediate relief and assistance, the guardians may personally visit the person or persons so suddenly requiring relief, his, her, or their families, and if he, she, or they cannot, with safety and convenience to themselves, be immediately removed to the alms house, and house of employment, may furnish such reasonable, and moderate relief, as his, her, or their necessities require, from day to day, until the next meeting of the board of guardians, when they shall report the case, or cases, with the circumstances, and amount of the relief furnished ; and the board shall take the same into consideration, and order and direct a continuance thereof, or that such person or persons be forthwith removed to the alms house, or house of employment ; and on refusal to be so removed, no other relief shall be furnished or allowed to such person or persons, other than in the house aforesaid. 56
- The managers may put out poor children apprentices—and bind out disorderly persons, &c. (See this at large, under title " Apprentices," No. 8, 11, 12.) 56
- No person shall be admitted, or entered in the poor books of the alms house, and house of employment, but those who have legal settlement, or where they have not procured security to repay the expenses, nor before such person shall have procured an order, signed by at least two of the guardians, stating the reason and cause of such order, which shall be laid before the board when they next sit, who shall determine thereupon as they shall think proper. (See vol. 5, pa. 392. This section repealed and supplied.) 57
- Penalty on guardians, not having before served, refusing, or neglecting to serve in said office ;—and in case of the death, or removal of any guardian, all the books, papers, &c. shall be delivered to some other guardian—monies remaining due by such guardian, received by virtue of his office, in case of his death, to be paid before other debts, saving funeral charges. 57
- This act then follows the provisions of the act of 9th March, 1771, as noted. (*supra*, No. 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26.) 57, 66
- On information to the mayor, or recorder, and one alderman, or two justices of Southwark, or Northern Liberties, that any old persons, infants, maimed, lunatic, or any vagabond, or vagrant persons are imported, come, or are brought within the said city, district or township, they shall cause such persons to be brought before them, and if upon examination they shall judge them likely to become chargeable, they may, by warrant, or otherwise, send for the master or merchant, or persons who imported such aged per-

son, &c. as are likely to become chargeable ; and on proof made of their being the importers, or owners of the vessel in which they were imported, shall compel the said master, merchant, or importer, to give security to carry, and transport such persons to the place from whence they were imported, or brought, or indemnify the said city, &c. from any charge thereby.—Appeal allowed to the mayor's court, or quarter sessions, whose judgment shall be final, &c.

60

[Negroes and mulattoes.]

— The settlement of all negroes and mulattoes, whether free, or otherwise, shall be deemed and taken to be, &c. in the township, or place, where his, her, or their master has registered him, her, or them, in case he, she, or they be slaves, and in the township, or place where they were liberated, manumitted, or set free, in case he, she, or they be free, and all orders of removal, respecting such negroes, or mulattoes, shall be good and effectual in law, and the overseers of the place to which they shall be removed, shall receive and provide for them as other poor. But if it shall appear that such negro, or mulattoe, shall have been liberated, after he, or she, attained the age of twenty-eight years, or has never legally been liberated, manumitted, or set free, then the overseers of the place to which they shall be removed, may recover from the master, or mistress, his, or her heirs, executors, &c. having assets, the costs and charges arising from relieving and removing such negro, or mulattoe, and to give security for his, or her future maintenance. (See vol. 1, pa. 494-5.)

64

— By a supplement to the consolidating act, all monies collected for the use of the poor of the city, &c. to be under the control of the board of guardians, &c. the mode of filling vacancies in the board, is more particularly prescribed ;—and when the board shall deem it expedient to erect additional buildings, how they are to proceed, &c.

247

— The *commissioners* of the Northern Liberties, to choose their portion of the guardians of the poor, at the town house, at the same time the select and common councils of the city, and commissioners of Southwark, are directed to choose their portion ; and subject to the same rules and regulations. Vol. 5, pa. 38-9.

— The number of guardians increased ;—ten for the city, four for Southwark, and six for Northern Liberties, &c. Vol. 5, pa. 391.

— No person who shall come from any state, or territory of the United States, to inhabit in the said city, district, or township, not having a legal settlement therein, except persons who have heretofore gained a legal settlement in this state, shall be adjudged and deemed to gain a legal settlement, but on the same terms and conditions on which such person would be entitled to gain a legal settlement in the state, or territory from which such person shall have so removed to the city, &c. and if any poor person coming from any other state to inhabit in the said city, shall be removed to his or her place of legal settlement, and shall return within one year from the date of the order of removal, he, or she, shall on conviction, be imprisoned, &c. and afterwards removed, &c. Vol. 5, pa. 392.

— The husband of every wife, whose father, or grand father, mother, or grand mother, children, or grand children, shall be poor, blind, lame, impotent, or otherwise unable to maintain him, or herself, and being within the city, &c. not able to work, shall, if of sufficient ability, at his own charges, relieve and maintain every such poor person, as the mayor's court, or quarter sessions of Philadelphia, where such persons reside, shall order and direct, on penalty of seven dollars for every month he shall fail herein. But the relief so furnished by such husband, shall be demanded only where such husband shall have obtained possession of personal property, or be entitled to the rents and profits of real estate, belonging to his said wife ; and then only to the extent of the value of such property so acquired by his marriage. Vol. 5, pa. 392-3.

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2. No sheriff, under sheriff, bailiff or other officer, shall, at any time convey or carry, or cause to be conveyed or carried, any person by him arrested, or being in his custody, by virtue or colour of any writ, process or warrant, to any tavern, ale-house, or other public victualling, or drinking house, or to the private house of any such officer, without the voluntary consent of the person so taken, or arrested; nor charge, demand, take or receive, or cause so to be done, directly, or

indirectly, any other, or greater sum, than is, or shall be allowed by law, for such arrest, taking, detaining, or waiting till the person so arrested, or in custody, shall have given in an appearance, or bail, as the case may require, or be sent to gaol; nor shall keep the person, so arrested, in any such house, without his consent, above twenty days; nor shall exact, or take any reward, gratuity, or money for keeping such prisoner out of prison, &c. 186

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(See title "Bills of Exchange," No. 2.)

3. After 1st March, 1797, all notes in writing, commonly called promissory notes, dated in the city or county of Philadelphia, whereby any person, or persons, bodies politic or corporate, or co-partnership in trade, shall promise to pay, or cause to be paid to any other person, or persons, bodies politic or corporate, or co-partnership in trade, and to the order of the payee, for value in account, or for value received, and in the body of which, the words "without defalcation," or "without set-off," shall be inserted, shall be held by the indorsees, discharged from any claim of defalcation, or set-off, by the drawer, or indorsors thereof; and the indorsees shall be entitled to recover against the drawer and indorsors, such sums, as on the face of the said notes, or by indorsements thereon, shall appear to be due. But in every action brought by the holder of any such note, whether against the drawer or indorsors, the defendant may set off and defalc so far as the plaintiff shall be justly indebted to him in account, by bond, specialty, or otherwise. 273

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out probable cause, he, she, or they, shall have double damages against the informer, or prosecutor, to be recovered by an action at common law.	56
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2. Assessors, and assistant assessors, refusing to serve, when elected, to pay a fine of twenty dollars; but no person shall be obliged to serve in such office, more than once in ten years.—In case of a neglect to elect such officers, or their refusal to serve, or vacancies happening, the commissioners to fill said offices, the persons to be so appointed, to be subject to the same penalties, &c.—The assessors and assistants to take an oath, &c. prescribed, and sign the same, which shall be filed in the commissioners office. . 394

3. In the year 1801, and every third year following, the commissioners shall, within six weeks after the general election, issue their precepts to the respective township assessors, requiring them to make out a just and perfect return, in alphabetical order, or otherwise, as the commissioners may direct, of the names of all the taxable persons within their respective wards, townships, or districts, and of the property made taxable, (*infra*, No. 4.) within thirty days after the date of such precept, together with a just valuation of the same, to be made as hereafter directed. And on receipt of such return, the commissioners shall proceed to quota the townships, respectively, agreeably to the quantity and quality of land, and other taxable property, and when they have completed and ascertained such quotas, they shall cause accurate transcripts of such assessments to be made out by their clerk, and transmit them to the ward or township assessors, or collectors, respectively, on or before the second Monday of April, in each year, with the average rate *per cent.* in each township, directing such assessor or collector to give notice to each taxable inhabitant, within his ward, or township, of the amount of the sum he stands rated for, and the rate per cent. of such amount, and of the time when, and place where, an appeal will be held, in print, or writing, at least five days before such appeal: at which appeal the commissioners shall attend, and hear all persons who may apply for redress, and grant such relief as shall appear just and reasonable. But they shall not make any allowance or abatement, on account of any real property, in any other year than when a triennial return and assessment is taken and made, excepting where accidents by fire, or otherwise, may destroy buildings, or other improvements, (*infra*, No. 15, 16.) 394-5

4. The assessors, respectively, on the receipt of the precepts, shall proceed to take an account of all the names and surnames of the taxable inhabitants, &c. and of the following articles hereby made taxable, viz.—all lands held by patent, warrant, location, or improvement—houses and lots of ground, and ground rents—all grist mills, saw mills, fulling mills, slitting mills, rolling mills, hemp mills, oil mills, snuff mills, paper mills, and powder mills;—all furnaces, forges, bloomeries, distilleries, sugar houses, malt houses, breweries, tan yards, and ferries;—all negro and mulatto slaves; all horses, mares, geldings and cattle, above the age of four years; and all offices and posts of profit, trades and occupations, (ministers of the gospel of every denomination, and school masters, only, excepted,) and of all single freemen above the age of twenty-one years, who shall not follow any occupation, or calling; and when the enumeration shall be so made, the assessors shall respectively call together their assistants, who, with the assessors, shall proceed to value the said property, to the best of their ability and judgment, for what they think it will *bona fide* sell for in ready money, and rate all offices, professions, occupations, and callings of all freemen, at their discretion, having due regard to the profits arising from such trades and occupations, as well as to the amount of taxes to be raised; but no county tax shall in one year, exceed the rate of one cent in every dollar of the adjusted valuation of the property, and the rate for any trade or occupation, or on any single freeman who follows no occupation, shall, at no time, exceed ten dollars in one year, and shall be lowered in due proportion, as the tax on adjusted property may be lowered. elow one cent in the dollar, (*infra*, No. 15, 16.) . 395

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6. The commissioners, immediately after the appeals are over, shall regulate the assessments according to the alterations made, and cause their clerk to make fair duplicates thereof in alphabetical order, or otherwise, as the commissioners may direct; and each assessor, on or before the day of appeals, in each year, shall return two reputable citizens, who shall be freeholders of his ward or township, to the commissioners, who shall appoint one of them to be the collector; who shall forfeit twenty dollars if he refuse to serve, and another shall be appointed in his stead. But any person having served, or paid his fine, as a collector, shall not be obliged to serve the said office again, within the term of ten years. 396
7. The commissioners shall issue their warrants, with the duplicates, to the respective collectors, authorizing and requiring them to demand and receive from each person named in such duplicate, the sum with which he stands charged; and within six weeks from the date of such warrant, the collectors shall pay all monies they shall have then received, to the treasurer, at a certain time and place to be mentioned in such warrant, when and where the treasurer shall attend; and the commissioners, at said time and place, shall make abatements or allowances for mistakes, or indigent persons, after which the collectors shall proceed to demand and receive the remainder of the tax. 398
8. If any person shall neglect, or refuse, to pay within thirty days from the time of such demand, the collectors shall levy such tax by distress and sale, &c. and for want of goods and chattels, may commit the delinquent, &c. 398
9. Within three months after the collectors shall have respectively received the corrected duplicates, subsequent to the appeals, they shall pay to the treasurer the whole amount of the taxes charged in the duplicates, without further delay, except such sums as the commissioners may exonerate them from, on pain of being answerable for, and charged with the whole balance remaining unpaid; and all the real and personal estate of such delinquent collector, shall be bound as security for the payment of such balance, at and from the expiration of the said three months, a transcript of which balance shall be then entered by the treasurers, with the prothonotaries, who shall file the same, which shall then operate to all intents and purposes as a judgment, but not to be a lien longer than two years. 398
10. Delinquent collectors, who have not settled, and paid off, or given security for payment, shall not be re-appointed; and if collector shall refuse or neglect to pay the monies received within the times limited, the treasurer shall issue his warrant to the sheriff, &c. commanding him to take the body, and seize and secure the real and personal estate of such collector, &c. and make return, &c. 398-9
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16. The assessors and assistant assessors shall proceed according to the standard previously agreed upon, and the directions of the original act, to ascertain the <i>bona fide</i> value of all property made taxable thereby, in their respective wards, &c. and after their assessments are completed, the assessors shall again meet at the commissioners office, as before directed, to make the returns of their several assessments, when they shall be allowed to point out errors, or deviations, from said standard, in each other's returns, and the commissioners, upon such appeal, may correct any errors, or deviations, that may be proved to their satisfaction; after which the commissioners shall apportion the quotas of the county tax among the several wards, &c. according to the aggregate amount of property in each. And the assessors shall attend appeals, to prevent impositions being practised upon the commissioners, by the persons appealing.	530
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(Vol. 2.)	{	3. Recognizances forfeited in any court of quarter sessions, may be sued for, and be recoverable, in the court of common pleas of that county, in which the said recognizances shall be forfeited, respectively; which courts may order the said recognizances to be levied, moderated, or remitted, on hearing the circumstances of the case, according to equity, and their legal discretion.	84
{		4. The supreme court may hear appeals from such orders, or judgments of the common pleas, on the said forfeited recognizances, at the next ensuing term after such judgment given, but not afterwards, and finally decide on the same.	84-5
		5. All recognizances forfeited in the supreme court, or in any court of <i>oyer and terminer</i> , general gaol delivery, [admiralty sessions, or admiralty, or before any special commission of <i>oyer and terminer</i>] shall be sued for, and be recoverable in the said supreme court, which may order the said recognizances to be levied, moderated, or remitted, according to justice, and their legal discretion.	85
(Vol. 4.)	{	6. The form of recognizance of sheriffs, &c. prescribed;—to be a lien on the real estates of sheriffs, &c. and their sureties.	47-8
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well bound and covered, wherein he shall record in a fair, legible hand, all deeds and conveyances which shall be brought to him for that purpose.

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2. The recorder's office re-established—recorder, before he enters on the duties of his office, to take an oath, &c.—and to give security, in a sum prescribed; and shall have, use and exercise all the powers, and be subject to, and governed by, the laws of this state, in all things concerning his office, and may take and receive the same fees, as the late recorder might; and shall deliver up the records to his successor, whole, safe and undefaced, under the penalty of three thousand pounds, &c.

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(Vol. 5.) 4. The fees of the recorder, exceeding \$1500, taxed, &c.

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4. The commissioners of each county, with the approbation of the quarter sessions and grand jury, empowered to erect suitable buildings, fire proof, at the place appointed by law for holding the courts, for the reception, and safe keeping of the records, and other papers, in custody of the prothonotary of the common pleas, clerk of the sessions, orphans' court, recorder of deeds, and register of wills; and when such buildings are erected, the said officers shall deposit all the records, and public papers therein, &c. 520-1

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5. The ancient records of Germantown, to be deposited in the recorder's office of Philadelphia county; and exemplifications thereof from that office, declared to be sufficient, &c. 283-4

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2. An office for registering wills, &c. established in each county;—register to take an oath, &c. before entering on the duties of his office, and to give security, &c. to have all the powers of the late register, &c.—shall deliver up all the records, papers, &c. whole, safe, and undefaced, to his successor in office, under the penalty of three thousand pounds—shall appoint, and keep a deputy, for whose conduct he shall be accountable; with equal powers, &c. 443-4

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3. To render an account of all fines, forfeitures, &c. received by him. (See title "Fines," &c.) 85

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REMOVAL OF }
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2. See the method of recovering rent by distress, at large, under title "Distress." 370
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5. Tenants may defalk taxes paid by them out of the rent due to the landlord; unless specially agreed on otherwise by the contract, or lease. 401, 516
6. Purchasers at sheriffs' and coroners' sales, to stand in the place of the landlord, and to receive the rents, &c. 532.3
- (See title "Landlord and Tenant," No. 5, 6.)

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REPLEVIN.

- (Vol. 1.) (See title "Dis-
tress.") } 1. The justices of each county may grant writs of replevin in all cases whatsoever, where replevins may be granted by the laws of England, taking security as the said law directs, and make them returnable to their respective courts of common pleas, in the proper county, there to be determined according to law. (So, pa. 143.) 44
2. All defendants in replevin may avow, and make conuzaunce, generally, that the plaintiff in replevin, or other tenant of the lands and tenements whereon the distress was made, enjoyed the same under a grant or demise, at such a certain rent or service, during the time wherein the rent or service, distrained for, incurred, which rent or service was then, and still remains due, without further setting forth the grant, tenure, demise, or title, of the landlord, or lessor—and if the plaintiff in such action shall become nonsuit, discontinue his, her, or their action, or have judgment given against him, the defendant in replevin shall recover double costs of suit. 372.3
3. The sheriff, or other officer, serving every replevin of a distress for rent, shall take in his own name, from the plaintiff, and one responsible person as surety, a bond in double the value of the goods distrained, (such value to be ascertained by the oath or affirmation of one or more credible person or persons, not interested in the goods or distress, which oath, &c. such officer is empowered to administer) conditioned for prosecuting the suit with effect, and without delay, and for duly returning the goods and chattels distrained, in case a return shall be awarded before any deliverance be made of the distress. And such sheriff, or other officer, taking any such bond, shall, at the request and costs of the avowant, or person making conuzaunce, assign such bond to such person, by indorsing the same, and attesting it under his hand and seal, in the presence of two credible witnesses; and if the bond so taken and assigned, be forfeited, the avowant, or person making conuzaunce, may bring an action, and recover thereupon in his own name; and the court, by a rule, may give such relief to the parties upon such bond, as may be agreeable to justice and reason; and such rule shall have the nature and effect of a defeasance to such bond. 373
4. All writs of replevin granted or issued for any owner, or owners of any goods or chattels, levied, seized, or taken in execution, or by distress, by any sheriff [naval officer, lieutenant, sub-lieutenant, of the city or any county,] constable, collector of the public taxes, or other officer, acting in their several offices, under the authority of the state, are irregular, erroneous and void; and all such writs may, and shall, at any time after the service, be quashed (upon motion) by the court to which they are returnable; the said court to be ascertained of the truth of the fact, by *affidavit*, or otherwise. 470
5. The court, besides quashing the said writs, may, and shall award treble costs to the defendant, or defendants in such writs; and also, according to their discretion, order an attachment against the prothonotary, or clerk, who shall make out, or grant, any such writ,

knowing the same to be for goods and chattels taken in execution, or seized as aforesaid.

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- (Vol. 2.) 6. No writ of replevin shall issue for gunpowder, seized, kept or detained, under the act for securing the city of Philadelphia, &c. from damage by gunpowder, until it be determined in the proper court, whether such gunpowder be forfeited, or not, by virtue of said act, but all such replevins are declared to be illegal, erroneous, and abated.

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(Vol. 3.)

1. [Act to provide for the election of representatives in Congress—obsolete.]

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The districts altered, and the foregoing act supplied—vol. 5, pa. 330.

- (Vol. 4.) 2. Act directing the mode of filling vacancies in the representation of this state, in the House of representatives of the United States.

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3. Act to fix the number of representatives for the city, and the several counties of the commonwealth, in pursuance of the provisions of the constitution, viz. City of Philadelphia, 5—County of Philadelphia, 6—Bucks, 4—Chester, 5—Lancaster, 6—York, 4—Cumberland, 5—Berks, 5—Northampton and Wayne, 5—Northumberland, 4—Washington, 4—Westmoreland, 3—Armstrong, Jefferson, and Indiana, 1—Fayette, 3—Bedford, 2—Franklin, 3—Montgomery, 4—Dauphin, 3—Luzerne, 2—Huntingdon, 2—Beaver, 1—Allegheny and Butler, 4—Mifflin, 2—Delaware, 2—Somerset and Cambria, 2—Lycoming, 2—Greene, 1—Adam, 2—Centre, Clearfield and McKean, 1—Erie, Crawford and Warren, 2—Mercer and Venango, 2.

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RESCOUS, (or RESCUE.)

(Vol. 1.)

1. Upon any pound breach, or rescous of goods or chattels distrained for rent, the person, or persons, grieved thereby, shall, in a special action upon the case for the wrong thereby sustained, recover his, or her, treble damages, and costs of suit, against the offender, or offenders in such rescous, or pound breach, any, or either of them; or against the owner, or owners of the goods distrained, in case the same be afterwards found to have come to his, or their use or possession.

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- (See titles "Depreciation"—"Donation"—"Erie"—"Warren"—"Waterford"—"Land Office.")

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(Vol. 1.)

1. Lands taken, or sold upon executions, shall not be restored, nor the sale, or delivery thereof avoided, where the judgment is reversed—but restitution in such cases, shall be only of the money, or price, for which they were sold.

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—Of Stolen Goods.

(Vol. 2.)

2. Persons committed until restitution be made of stolen goods, may be discharged under the insolvent laws.

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The court may award additional labour, as a commutation for such restitution.

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(Vol. 3.)

3. Restitution of stolen goods, how to be made, and remedy for recovery thereof. (See vol. 1, pa. 121-2.)

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RETURN DAYS. (See title "Judiciary"—Subdivision, Supreme Court, No. 21, 32, 44.)

RIOTS, RIOTERS, ROUTS.

(Vol. 1.)

1. If any persons to the number of three, or more, shall meet together, with clubs, staves, or any other hurtful weapons, to the terror of any the peaceable people, or inhabitants, and shall commit, or design to commit, violence or injury, upon the person or goods of any of the said inhabitants, they shall, on conviction, be reputed, and punished as rioters, according to the laws of England; and such act of terror or violence, shall be deemed and accounted a riot.

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ROADS, RIVERS, HIGHWAYS.

- (See titles "Bridge"—"Improvement of the state"—"Navigation"—"Turnpikes"—"Philadelphia"—"Landings"—"Southwark"—"Northern Liberties.")

(Vol. 1.)

1. Any person who shall presume to fire a gun, on, or near any of the highways, and be thereof convicted before any justice, &c. shall forfeit forty shillings.

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2. [Act for repairing the highway between Frankford bridge and the bridge over Frankford mill-race.]	305
3. Delaware and Lehigh, and parts of Neshaminy creek, as far up as Barnsley's ford, and Lechawaxin, as far up as the falls thereof, declared to be common highways.	322
4. Susquehanna, as far down as Wright's ferry. (From the Maryland line upwards, Vol. 2, page 312,) Juniata, up to Bedford and Frankstown. (See vol. 2, pa. 67.) Bald Eagle, as far up as Spring creek. Penn's creek, twenty miles up; Swatara, as far up as Peter Kettle's mill-dam; Conestogoe, as far up as Matthias Slough's mill-dam; Conedogwinet, as far up as the Cove fording; Machanoy, and Kiskiminnetas, declared to be public streams, and highways.	324-5
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10. Act for opening, and establishing a road, between the navigable waters of the Frankstown branch of Juniata, and the river Conemaugh. (Supplement, vol. 3, pa. 385.)	410
11. Act for opening a road between the river Susquehanna, at the falls of Nescopeck, and the Lehigh, at or near Union saw-mill.	411
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25. Act to provide for copying the records of roads, in Philadelphia county.	320

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30. Little Schuylkill declared a highway from Roush's to Shelleys.	378
31. Act to provide for opening a road from near Bald Eagles Nest to Le Bueff.	380
32. Part of Shaver's creek, Huntingdon county, declared a public highway.	410
33. Big Schuylkill creek, from the mouth of Norwegian creek, &c. declared a highway.	416
34. Neshanock creek, Mercer county, to Otter creek, &c. declared a highway.	450
35. Codorus and Conewago creeks, York county, declared public highways.	473
36. Ten mile creek, Greene county, from its mouth to Adams's mill, declared a highway.	490

GENERAL
ROAD LAW.
(*infra*, No. 42,
66, 71, 82.)

37. Act for laying out, making, and keeping in repair, the public roads and highways within this commonwealth, and for laying out private roads.

—The quarter sessions of each county, on being petitioned to grant a view for a public, or private road, shall, as often as they find it needful, in open court, order and appoint six discreet, and reputable freeholders, of the inhabitants near where complaint is made for want of a public or private road, or highway; and the freeholders, so appointed, shall view the ground proposed for the said road; and if they, or any five of them, view the said ground, and any four of the actual viewers agree that there is occasion for said road, they shall proceed to lay out the same, as agreeable to the desire of the petitioners as may be, having respect to the best ground for a road, and the shortest distance, in such manner as to do the least injury to private property; and shall make report thereof, stating particularly whether they judge the same necessary for a public or private road, together with a plot or draft thereof, and the courses and distances, and references to the improvements through which it may pass, to the next sessions, and if the court then and there approve of the same, it shall, at the next court after that to which the report is made, be entered on record, and thenceforth shall be taken, deemed, and allowed, as the case may be, to be a lawful private, or public road or highway; the court shall direct of what breadth the road shall be opened, which shall not, in any case, exceed fifty feet.

—The supervisors of the roads to be elected by the citizens, in March, annually, and the proceedings therein directed, and regulated—Vacancies to be supplied by the quarter sessions, and penalty on refusing to serve, not exceeding fifty dollars, to be applied towards repairing the roads and highways within the township, in which the supervisor, refusing, resides.

—How the accounts of supervisors are to be settled.

(See title "Accounts—of townships.")

—The supervisors shall assess and levy a tax on all property, real and personal, and on all such professions, trades and occupations as are made taxable by the "act for assessing county rates and levies, (see "Rates and Levies," No. 4,) not exceeding half a cent in the dollar, &c. and shall take to their assistance the township assessor, who shall furnish a correct copy of the last valuation of the property in the township, who shall give his assistance in making said assessment; and the amount of taxable property, trades, professions and occupations shall be taken from the last return of taxable property, for the last county tax, &c. and any property which may have been overlooked, or concealed, shall be taxed agreeable to a reasonable valuation—and how the tax is to be collected—Supervisors to be accountable for it—but they shall first call on the taxable inhabitants to attend, &c. to give them a full opportunity to work out their respective taxes, and on their refusal, or neglect so to do, they shall proceed to collect the same.

— Proceedings, on neglect or refusal to pay within twenty days after demand, to levy the tax, by a justice's warrant—the party grieved may, by petition, appeal to the next sessions, who shall take such order thereon, as to them shall be thought expedient, which shall conclude, and bind all parties; and during such appeal, the supervisor shall forbear to make sale, &c. . 515

— If the tax assessed on unseated lands be not paid to the supervisors, &c. they shall make, and sign, a transcript thereof, and deliver the same to the county commissioners, who, on receipt of the transcript, shall give the supervisors an order on the county treasurer, for the amount thereof, [to be paid out of the county taxes forthwith—this part repealed, *see infra* No. 82.] and the commissioners shall proceed to recover the same as county taxes are directed to be recovered, and cause the same to be paid to the treasurer, to re-imburse the money paid to the supervisors. . 515-16

— The tenants of non-residenters shall be liable for the road tax; but they may deduct it out of their rents—but this shall not be construed to impair, or make void any contract between the landlord and tenant, respecting the payment of the road tax. . 516

— The supervisors shall hire and employ a sufficient number of hands, to make, open and repair all the public roads within their respective townships, which have been, or hereafter shall, by the quarter sessions of the proper county, declared public roads or highways, and purchase wood, and all other materials necessary for that purpose, oversee, and direct the labourers, and take care that the said roads be, forthwith, effectually opened, cleared and amended. . 516

— The supervisors, or others by their direction and order, may enter on any lands adjoining, or lying near to, the public roads and highways within their respective townships, and cut, or open, such drains or ditches through the same, as they shall judge necessary to carry off, and drain the water from such roads, with as little injury as may be to the owner; which shall be kept open by the supervisors, if necessary for amending such road, and shall not be stopped, or injured, by the owner, or others, under the penalty of not less than four, nor more than twenty dollars, with costs, on conviction before a justice. . 516-17

— The supervisors may enter on any grounds, adjoining, or lying near, the said highway, &c. to dig, or cause to be dug, any gravel, sand, or stones, &c. for the purposes aforesaid, with as little damage to the owner, as possible, and to carry off the said materials, without let, hindrance, or controul of the owners, paying, or tendering to him or them so much as they shall agree upon for the same; or if they cannot agree, so much as three freeholders of the proper township, or any two of them, to be chosen by the parties, shall adjudge to be the value. . 517

— Penalty on supervisors for neglect of duty, to be not less than four, nor more than fifty dollars, recoverable before a justice, and applied to repair the roads—with appeal to the next sessions, whose order thereon shall be conclusive. . 517

— One dollar penalty on persons working on the road, asking, or extorting money, &c. from travellers; and five dollars penalty on supervisors conniving at it, or for his own similar conduct, to be recovered, &c. . 517-18

— If a public road, or highway shall be carried through any land, to the damage of the owner, he may, within one year, but not afterwards, represent such damage, by petition, to the quarter sessions, who shall appoint six disinterested men to view and adjudge the amount of damage, (if any) sustained, which, if approved by the court, shall be paid by the county treasurer, out of the county stock. But the viewers, in assessing damages, shall take into consideration the advantages derived from such road passing through the land of the complainant, (*infra* No. 71.) . 518

— Not less than ten, nor more than forty dollars penalty, on persons committing nuisances, on roads or highways, to be recovered

before one of the nearest justices of the county, to be applied to remove the nuisance, and repair the damage, &c. with appeal to the next sessions, &c. . 518

— Roads laid out on the dividing line of two townships, shall be made, amended or repaired, at the joint expense of both townships; and if the supervisors of one of the townships, shall neglect, or refuse, to join with and assist the supervisors of the other township, in opening, amending, or repairing any such road, they shall be liable to the same penalties as for neglect, &c. within their respective township; and the supervisors of the other township shall open, amend, or repair the road, and charge the supervisors, so neglecting, or refusing, with one half of the monies expended thereon, and recover the same by action of debt. . 518

(Private roads.)

— On application for a private road, the court shall direct a view, as aforesaid, and if the road is found to be necessary, they shall further order and direct of what breadth it shall be, not exceeding twenty-five feet, and it shall be recorded by the court. But such road shall be opened, and kept in repair by the applicant, &c.—and the damage to any owner of land, shall be valued, as before directed, and paid for by the person requesting the road, &c. . 519

— If the owners of the improved land, through which any such private road is laid out, or the owners of other land through which it is carried, are desirous to hang a swinging gate, or gates upon such roads as are only granted for the use of one or more private families, the court, on petition, may appoint six viewers, as before directed, to enquire, and judge, whether such gate, or gates, may, without much inconveniency to the persons for whose use the road was granted, be hung on the same, and if the viewers, or any four of them, shall certify to the court, that a gate, or gates, may be so hung, the court may order accordingly, and the same shall be made and kept in repair by the owner of the land, and made easy for the passage of persons using the said road. . 519

(Vacating roads.)

— The court, on application by petition, shall have power to enquire of and vacate any private, or public road, or highway, or any part thereof, which they shall judge to be useless, inconvenient, and burthensome, and shall proceed therein by views, as is practiced in laying out public roads, and the judgment of the court shall be effectual, and conclusive, in the premises, if the same be not appealed from within six months from and after giving such judgment.—The application shall be made in writing, signed by the persons applying, and shall set forth in a clear and intelligible manner, the length, breadth, situation, and other circumstances of such road, or highway, or part thereof, desired to be vacated, and such application shall be audibly read twice in open sessions, on the different days of the sessions whereat it was made; and no further, or other proceeding shall be had thereon, but the same shall be adjourned to the next sessions, when the same shall again be openly, and audibly read twice, on several days, before the court proceed thereon. But the sessions, or supreme court, shall not have authority to vacate any lane, street, or highway, in Philadelphia, or within any borough, town plot, or any town, or village, &c. nor any cart way laid out by order of court, nor any road or passage, claimed by any person as his, or her, private right, not repairable at the public charge, nor to rivers or streams of water, (*infra*, No. 71.) . 519-20

(Bridges.)

— The supervisors, in making or repairing the public roads or highways, shall make and maintain sufficient causeways, of stone or timber, on swampy, or marshy grounds, and also make and maintain sufficient bridges over all small creeks, and rivulets, and deep gullies, where the same shall be necessary for the ease and safety of travellers; and where a small creek, over which a bridge may be necessary, happens to be the division line of two townships, it shall be built and maintained by both townships, as directed with respect to roads on township lines. . 520

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— And how bridges shall be erected at county expense. (See title "Bridges," No. 23, 52.)	520
(Reviews.) — In all cases where the court may grant a view, for the purpose of laying out, or vacating roads, or respecting bridges, they shall, on application, grant a review of the same, if applied for at the next court after report has been made on the first view.	521
— Compensation of assessors, supervisors, and viewers, prescribed ;—but the expense of views of private roads, and of reviews of private, or public roads, shall be wholly paid by the parties applying for the same.	521
(Direction posts.) — The supervisors, within their respective townships, shall cause posts to be erected, where trees are not convenient, at the intersection of all public roads, with boards, and an index hand, pointing to the direction of such road ; on both sides whereof shall be inscribed, in legible characters, the name of the town, village, or place, to which such road leads, and the distance thereof in computed miles ; and penalty for defacing the same, &c. (<i>infra</i> , No. 82.)	521
(Vol. 4.) 38. The west and westernmost branches of Schuylkill, in Berks county, declared highways.	85
39. Le Boeuff creek, in Erie county, from Waterford, to Brotherton's mills, declared a highway.	110
40. Wyosox creek, from its mouth to Myers' mill dam, Luzerne county, declared a highway.	113
41. Clearfield creek, from its mouth to the forks, and Sinnemahoning, declared highways.	127
42. All fines, penalties and forfeitures, where there are no poor to be supported at the expense of the township, shall be paid by the overseers of the poor to the supervisors of the highways, to repair the roads, unless, &c.	133
43. Mushannon creek, from its mouth to the forks, declared a public highway.	134
44. Conedogwinet, from the cove fording to Franklin county line, declared a highway.	144
45. Part of Big Fishing creek, and Catawessi creek, in Northumberland county, declared public highways.	188
46. Part of Wyconisco creek, in Dauphin county, declared a highway.	245
47. Wyalusing creek, between its mouth, and Pickett's mill, declared a highway.	255
48. Parts of the branches of Pine creek, in Tioga, and Potter counties, declared highways.	256
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50. The act declaring Chartier's creek a highway, repealed.	283
51. Part of Mahantango creek, declared a highway.	285
52. Part of Brush creek, in Bedford county, and parts of Allegheny river, and Oswayo, and Conondau creeks, in M'Kean and Potter counties, and Bald Eagle creek, in Centre county, declared highways.	359
53. Act for exploring and making a road, from the point where the Co-shecton and Great Bend turnpike passes through the Moosic mountain, in a western direction, to the west line of the state, (<i>infra</i> , No. 67.)	391
54. The quarter sessions of Butler county, authorized to direct a review of that part of the state road, leading from Blair's Gap, to the western boundary of the state, which lies between the 24th and 27th mile trees.	391
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57. Appropriations of the proceeds of John Nicholson's estate, for certain roads, and for the improvement of the navigation of certain rivers. (See vol. 5, pa. 315.)	469
58. The quarter sessions of Westmoreland county, authorized to vacate that part of the state road that lies between Jone's mill, and Somerset line, &c.	475
59. Part of Lackawaxen creek, in Wayne county, declared a highway.	486
60. Certain parts of Muddy creek, in Crawford county, declared a highway.	486
61. Part of Wallenpaupack creek, in Wayne county, declared a highway.	488
62. The quarter sessions of Indiana county, authorized to direct a review of that part of the state road leading from Blair's gap to the western boundary line of the state, which lies between the town of Indiana, and the seventh mile tree westward.	489
63. Big Mahoning creek, in Armstrong and Indiana counties, declared highways.	499
64. Little Juniata, from Logan's Narrows to Bell's mills, declared a highway.	518
65. A review of the state road, leading from Blair's gap, to the western boundary line of the state, as far as the same lies in Armstrong and Cambria counties, authorized.	520
66. The quarter sessions shall have jurisdiction to enforce the act for laying out, making and keeping in repair the public roads, &c. concurrent with the justices of the peace.	531
67. Act to approve the report of the commissioners appointed to explore the road from Moosic Mountain, &c. (<i>supra</i> , No. 53)—The same to be opened—the courts of the counties through which the road passes, may appoint viewers, and make necessary alterations therein, and shall direct their supervisors to open, and keep said road in repair :—a certain portion of the road tax on unseated lands, in the counties through which it passes, appropriated, for two years, to open said road, &c.	533
(Vol. 5.) 68. Commissioners appointed to lay out a road from the Strasburg road, in Chester county, by M'Call's ferry, on Susquehanna, to the Maryland line, in a direction to the city of Washington; and also a road from the intersection of Marlbro' street, and Newport road, to intersect the above road, at or near M'Call's ferry; which shall be public highways, and be opened and kept in repair as other roads are, (<i>infra</i> , No. 87.)	55
69. The road through the long narrows, in Mifflin county, to be repaired at the county expense, to a certain amount, &c.	44
70. Commissioners appointed to lay out a road, beginning at or near Kelso's ferry, in Cumberland county, through York and Adams counties, to the Maryland line, in a direction to the city of Washington; which shall be a public highway, and be kept in repair as other roads. (Supplement thereto, pa. 220.)	45
71. The respective courts of quarter sessions, upon application for the purpose of opening a new road, or of vacating or changing the route of an old road, shall proceed by views, and reviews, as heretofore practised in laying out public roads or highways; and the viewers shall be authorized, when they lay out a new road, or change the route of an old one, to vacate the whole, or any part of the old road, as may be necessary, and make report as in other cases of views and reviews; but no vacated road shall be stopped up, until the road laid out to supply it, shall be actually opened.	54

—Viewers appointed to ascertain the damage done to individuals, by public roads being laid out through their lands, shall each, before they proceed to assess the damages, take an oath, justly and truly to value the same, and also to consider the advantage as well as disadvantage of the said road. . . . 54

72. Act establishing in part, and authorizing commissioners to lay out a state road from Pittsburg, through Beaver town, to the western boundary of the state, &c. which shall be a public highway, and kept in repair as other roads. . . . 61

73. A review of the state road from Beaver town to Waterford, and from Mercer to Meadville, authorized, drafts of the alterations to be made and filed—and to be part of the state road, and the unnecessary part vacated, &c. . . . 68

74. Quarter sessions of certain counties authorized to appoint viewers to assess damages by roads being laid out under the act of 10th April, 1897, (*supra*, No. 56.) 69

75. Commissioners to lay out a state road from the southern turnpike road, in the county of Somerset, or Westmoreland, to intersect the United States' turnpike road from Cumberland to Wheelen, in the county of Fayette; and also a state road from the town of Indiana, to intersect the state road leading from Milesburg to Le Boeuff, between the mouth of Anderson's creek, in Clearfield county, and Milesburg in Centre county, which shall be public roads, and kept in repair as other road (See vol. 4, pa. 408.) . . . 71-2

76. Muncy creek, and its branches, in Lycoming county, declared highways. . . . 78

77. Part of French creek, from its junction with Le Boeuff creek to Bissel's saw mill, declared a highway. . . . 83-4

78. Green creek, and its branches, in Northumberland county, declared highways. . . . 91

79. Part of Oil creek, in Venango and Crawford counties, declared a highway. . . . 101

80. Commissioners appointed to lay out a road from the town of Washington to the state line, in a direction towards Wheeling in Virginia, &c. . . . 183

81. Lycoming creek, from its mouth, to Tioga county line, declared a highway. . . . 205

82. SUPPLEMENT to the general road law.—The commissioners of the respective counties, on receiving the transcripts of road taxes due on unseated lands, from the supervisors, shall issue their order to the county treasurer for the amount thereof, and shall also immediately transmit copies thereof to the treasurer, who shall enter them in a book to be kept for that purpose, and on receiving the said taxes, or any part thereof, and not before, shall pay the amount thereof to the supervisors, who shall respectively be entitled to the same. But no land shall be sold for road taxes, until twelve months after the said transcripts have been delivered to the treasurers, and notice given as directed by 2d section of the act of 3d April, 1891, (see "Taxes,") and so much of the general road law, as requires the treasurers to pay the amount of such taxes to the supervisors, immediately, on the orders of the commissioners being presented to them, is repealed. (See pa. 292.) 252

(Roads on county lines.)

— On the petition of the inhabitants of any two adjoining counties, to lay out a road on the lines dividing said counties, the quarter sessions of each county shall appoint, respectively, three reputable freeholders from the neighbourhood where the road is requested—and the said six freeholders, or any five of them, shall proceed to view the said ground, and report to the court of each county respectively, as prescribed by the first section of the original act, (*supra*, No. 37.) and if the courts, respectively, approve thereof, the same shall be confirmed, and recorded . . . 253

— In all cases where separate views and reports of roads, supposed to be on the dividing lines of counties, have been made under the authority of the quarter sessions of the adjoining counties, and the said reports do not agree as to the line, then, on petition of the supervisors of the highways, or inhabitants of said counties, to the quarter sessions of each county, the said courts shall appoint viewers, and proceed as above directed, and when so confirmed shall be considered as on the county line, and be kept in repair, at the joint expense of the adjoining townships; and the viewers, in such cases, shall have power to vacate any part of the old road, for which the new road is to be a substitute. . . . 252

(And Bridges.)

— How bridges are to be erected on county lines. . . . 252
(See title "Bridges," No. 52.)

(Direction posts.)

— If any supervisors, after ten days notice, shall neglect, or refuse, to put up, and keep in complete repair the index boards, directed to be put up by the original act, and be convicted thereof, before any justice, or before the quarter sessions of the county, they shall respectively pay a sum not exceeding ten dollars, in the discretion of the court, or justice, to be applied to repair the public roads, &c. . . . 253

83. Parts of Huntingdon and Pine creeks, in Northumberland county, declared highways. . . . 261

84. The quarter sessions of Beaver county, authorized to direct a review of part of the road from Beaver town to the state line, &c. . . . 269

85. Eight hundred dollars appropriated to lay out and open a road in Huntingdon county. . . . 280

86. Act for altering the state road in Bedford county. . . . 307

87. The quarter sessions of Lancaster county authorized to appoint viewers to view part of a road therein mentioned, (*supra*, No. 68) . . . 332

88. Commissioners appointed to lay out a state road from the town of Washington, through Williamsport and Somerset, to intersect the turnpike road from Harrisburg to Pittsburg. . . . 358

89. The quarter sessions of Butler and Mercer counties, authorized to direct a review of certain parts of state roads therein mentioned. . . . 381

90. Commissioners appointed to lay out a state road, beginning at the Burnt Cabins, in Bedford county, thence to Waterford, in Mifflin county, thence either to the mouth of Fishing creek, or to Clark's ferry, in Cumberland county. . . . 383

91. Commissioners appointed for laying out a state road, from the United States' turnpike road, to Waynesburg in Greene county, and thence to the western boundary of the state. . . . 385

92. Act to facilitate the improving the great road leading from Green's mill, in Dauphin county, over Peters' mountain to Sunbury, in Northumberland county. . . . 391

(See title "United States.")

ROBBERY. }

(Vol. 1.) }

1. Robbery, which is done by assaulting another on or near the highway, putting him in fear, and taking from his person, money, or other goods to any value, punished as felony, on conviction, according to the laws of England, by the act of 1718. . . . 113

2. The description of this offence is enlarged by act of 8th March, 1780, by adding, "Whether the same robbery be committed on or near the highway, or elsewhere, in any place or places, whatsoever, within this commonwealth,"—and was punishable, in principals and accessaries, with death, without benefit of clergy. . . . 499

3. Concealers of robbers, how punished by act of 1718. . . . 116
(See title "Accessory")

(Vol. 2.)

4. Every person convicted of robbery, or as accessory thereto before the fact, shall forfeit to the commonwealth, all and singular the lands and tenements, goods and chattels, wherof he, or she, was seized or possessed, at the time the crime was committed, and at any time afterwards, until conviction, and be sentenced to undergo a servitude of any term or time, at the discretion of the court passing the sentence, not exceeding ten years in the public gaol, &c. and be kept at such labour, and be fed and clothed, as herein after directed, &c. (See pa. 541, § 34.) . . . 531

(— For the second offence, see vol. 3, pa. 190, § 13.)

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5. Robbery of obligations or bonds, bills obligatory, bills of exchange, promissory notes for the payment of money, lottery tickets, paper bills of credit, certificates granted by or under the authority of this commonwealth, or all, or any of the United States, shall be punished in the same manner as robbery of any goods or chattels.	539
(Vol. 5.) 6. Accessaries in robbery, how punished, though principal cannot be taken. (See "Accessary.")	41
7. Whenever any person shall be convicted of robbery, he shall be ordered to restore to the lawful owner, the goods and chattels stolen, or pay him the full value thereof, or of so much thereof as shall not be restored, and the forfeiture shall extend only to the residue thereof after such restitution made; and the same remedy is given to recover it, as in case of larciny. (Vol. 1, pa. 122.)	41
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- (See title "Evidence.")

SECRETARY
OF THE COM-
MONWEALTH.

(Vol. 3.)

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2. He shall collect and pay over to the state treasurer, [quarterly,] the fees heretofore usually collected by the secretary of the late executive council. 8
3. All bonds and recognizances, by law directed to be given to this commonwealth, for the faithful discharge of any office, commission, or public trust, shall be taken by the secretary, in the name of the commonwealth, for the uses in the same respectively expressed—the sureties therein to be approved by the governor ; [sheriff's and coroner's bonds excepted, &c. and for his duties herein, see vol. 4, pa. 47.] 8
4. The books, papers, and accounts of the secretary, shall be open to the inspection and examination of the committees of each branch of the legislature, and he shall furnish such copies, or abstracts therefrom, as may, from time to time, be required. 8
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7. He shall collate with, and correct by the original rolls, the proof sheets of the printed copies of the acts and resolutions of the legislature, of each session, respectively ; and affix thereunto proper marginal notes, stating the purport of each paragraph, or section, before the same shall be published. 80
8. At the end of each session of assembly, he shall cause the acts, and resolutions, passed therein, to be collected, and stitched together in one pamphlet, with a cover of blue boards, of which he shall deliver [twenty five] copies into the keeping of the clerk of the senate, for the use of the members of the senate, respectively, and [eighty-six] copies into the keeping of the clerk of the house of representatives, for the use of the members thereof, respectively ; and shall distribute the residue to the different, public officers,—and prothonotaries, for the use of the judges, &c. (*infra*, No. 29.) 80
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	2. No servant shall be assigned over to another person, but in the presence of one justice of the county, under penalty of ten pounds—all penalties to be levied by distress, and sale of goods.	10
	3. Every servant that shall faithfully serve four years, or more, shall at the expiration of his servitude, have a discharge, and shall be duly clothed with two complete suits of apparel, whereof one shall be new; [and shall also be furnished with one new axe, one grubbing hoe, and one weeding hoe,] at the charge of the master or mistress.	10
	— On complaint, by petition, to the quarter sessions, by any servant, who shall have served out his, or her, time, that his, or her, last master, or mistress, their executors, &c. have not furnished him, or her, with freedom dues, and performed the covenants in the indentures mentioned, the court may cause said master, &c. to come before them, and after hearing the allegations of the parties, and evidences, if it shall appear to them just and reasonable, shall adjudge, order and direct, delivery or payment of such freedom dues, sums of money, or other things, as shall be justly due to the said servant, at the expiration of his, or her servitude, according to law, and the covenants in the indentures; and if the master, &c. shall neglect, or refuse to comply with such order, in such time as shall be appointed, the court shall adjudge the value of such freedom dues, and give judgment, and award execution, with costs, to be levied by any constable—and if petitioner have no just cause of complaint, he shall pay all costs.	320-1
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	— Whether the application be before, or after the expiration of the time of servitude, and the mode of recompense prescribed.	321
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- justice of the county, shall forfeit twenty shillings for every day's concealment. 11
7. If the justice shall not, within twenty-four hours, after complaint made to him, issue his warrant, directed to the next constable, for apprehending and seizing said servant, and commit him or her to the custody of the sheriff, he shall forfeit, for every such offence, five pounds. 11
8. The sheriff, by the first opportunity, after he has received the said servant, shall send notice thereof, to the master, &c. and on neglect, for every day, shall forfeit five shillings, &c. 11
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(Vol. 1.) } bonds, bills, bargains, promises, accounts, or the like, and one of them commence an action in any court, if the defendant cannot gainsay the deed, bargain, or assumption, on which he is sued, he may plead payment, of all, or part, of the debt, or sum demanded, and give any bond, bill, receipt, account, or bargain in evidence; and if it shall appear that defendant has fully paid, or satisfied the debt, or sum demanded, the jury shall find for defendant, and judgment shall be entered, that plaintiff shall take nothing by his writ, and shall pay the costs. And if it shall appear that any part of the sum demanded be paid, then so much as is found to be paid shall be defalked, and plaintiff shall have judgment for the residue only, with costs of suit. But if it appear to the jury, that plaintiff is overpaid, they shall give their verdict for defendant, for the balance due to him, which shall be recorded, and be deemed as a debt of record; and if plaintiff refuse to pay the same, defendant may recover it by *scire facias*, &c. 49-50
2. Where there are mutual debts between the debtor, or debtors, and his, her, or their creditors, or if either party sue, or be sued, as executor, or administrator, where there are mutual debts between the testator and intestate, and either party, one debt may be set against the other, and such matter may be given in evidence on the general issue, or pleaded in bar, as the nature of the case shall require; so as at the time of the pleading the general issue, where any such debt of the plaintiff, his testator, or intestate, is intended to be insisted on in evidence, notice shall be given of the particular sum, or debt so intended to be insisted on, and upon what account it became due;—otherwise such matter shall not be allowed in evidence on such general issue. 185
- (Vol. 3.) 3. A particular form of promissory note devised, not liable to set off, in certain cases, (see title "Promissory Note," No. 3.)—but if the actual holder of the note be indebted to defendant, he may set off the same. 278

4. Set-off allowed, before a justice of the peace, on a distress for rent, in a certain manner. Page 355
 (See title "Justices," No. 17, 18.)
 So, vol. 5, page 170-1.)

- (Vol. 4.) 5. In cases of domestic attachment, where mutual credit has been given by the debtor, and any other person, or mutual debts between them at any time before the issuing of the attachment, the trustees shall state an account between them, and one debt may be set-off against the other, and what shall appear to be due on either side, on the balance of such account, after such set-off, and no more, shall be claimed or paid on either side respectively. 481
 So, in the case of insolvent debtors, vol. 5, pa. 327.

- (Vol. 5.) 6. In proceedings before a justice of the peace, if defendant shall neglect or refuse, in any case, to set-off his demand, whether founded on bond, penal, or single bill, writing obligatory, book account, or damages on assumption, against a plaintiff, which shall not exceed one hundred dollars, he shall be forever barred from recovering the same against the plaintiff, in any after suit; but in case of judgment by default, if defendant has any account to set-off, he shall be entitled to a rehearing before the justice, within thirty days, on proof that he was absent when process was served, or was prevented from unavoidable cause from attending;—and the justice shall have power to render judgment for the balance, in favour of plaintiff, or defendant, as justice may require. 165-6

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 —On Lands. } —"Pre-emption.")
 —Of Paupers. (See title "Poor.")

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 (Vol. 1.) } brand his name on each cask; no person to export shad or herring, before the same shall be inspected, and branded by inspector; provision for determining disputes; officers fees prescribed—empowered to enter ships, &c. to search, &c. The inspector to take an oath, &c.—may appoint deputies;—penalty on counterfeiting the brand mark, &c. 418, 421.

- (Vol. 5.) 2. The casks may be made of any kind of timber—the contents and brands prescribed—inspector's fee—to brand the casks—if not merchantable, brands to be erased, &c.—penalty on selling before inspection; and for erasing the marks of inspection—unexported fish to be examined every six months;—compensation, &c. 121-2

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SHERIFF'S

SALES,
DEEDS, &c.

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ed and considered as servants for life, or slaves; and all servitude
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son, or his, or her assigns, who would in such case have been en-
titled to the service of such child, until such child shall attain unto
the age of twenty-eight years, in the manner, and on the conditions
whereon servants bound by indenture for four years, are, or may be,
retained and holden; and shall be liable to like correction and
punishment, and entitled to like relief, in case he or she be evilly
treated by his, or her, master or mistress, and to like freedom
dues, and other privileges, as servants bound by indenture for
four years, are, or may be, entitled, unless the person to whom the
service of any such child shall belong, shall abandon his, or her,
claim to the same; in which case the overseers of the poor, of the
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or till the age of thirty-one years, now within this state, (1st
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November (following,) deliver, or cause to be delivered, in writ-
ing, to the clerk of the peace of the county, &c. in which he, or
she, shall respectively inhabit, the name, and surname, and occu-
pation, or profession, of such owner, and the name of the county
and township, district or ward, wherein he or she resideth, and al-
so the name and names, of any such slave, and slaves, and servant
and servants for life, or till the age of thirty-one years, together
with their ages, and sexes, severally, and respectively, set forth,
and annexed, by such person owned, and stately employed, and
then being within this state, in order to ascertain, and distinguish,
the slaves and servants for life, and till the age of thirty-one years,
within this state, who shall be such on the said 1st day of Novem-

- ber, from all other persons ; which particulars shall be entered by the said clerks, in books to be provided by them for that purpose. And no negro or mulatto, in this state, on said 1st March, 1780, shall, after the said 1st November, be deemed a slave, or servant for life, or years, unless his or her name shall be entered, as aforesaid, on such record, except such negro and mulatto slaves and servants, as are herein after excepted. . . . 494
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10. No covenant of personal servitude, or apprenticeship, whatsoever, shall be valid, or binding, on a negro, or mulatto, for a longer time than seven years, unless such servant, or apprentice were, at the commencement of such servitude, under the age of twenty-one years ; in which case, such negro or mulatto, may be holden as a servant, or apprentice respectively, according to the cove-

nant, as the case shall be, until he, or she, shall attain the age of twenty-eight years—(relates to negroes, &c. introduced into the state.)

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(Vol. 2.) 11. The exception with respect to domestic slaves, (*supra*, No. 8,) attending upon persons passing through, or sojourning in this state, and not becoming resident therein, shall not be deemed, or taken to extend to the slaves of such persons as are inhabitants of, or resident in this state, or who shall come here with an intention to settle and reside, but all and every slave and slaves, who shall be brought into this state, by persons inhabiting, or residing therein, or intending to inhabit, or reside therein, shall be immediately considered, deemed and taken to be free, to all intents and purposes.

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12. No negro, or mulatto slave, or servant, for term of years, (except as in the last exception of No. 8, *supra*.) shall be removed out of this state, with the design and intention that the place of abode, or residence of such slave, or servant, shall be thereby altered, or changed, or with the design and intention, that such slave, or servant, if a female, and pregnant, shall be detained and kept out of this state till her delivery, or with the design and intention that such slave, or servant, shall be brought again into this state, after the expiration of six months from the time of such slave or servant, having been first brought into this state, without his or her consent, if of full age, testified upon a private examination before two justices of the place in which he, or she, shall reside, or being under the age of 21 years, without his, or her, consent, testified in manner aforesaid, and also, without the consent of his or her parents, if any such there be, to be testified in like manner aforesaid, of which the justices shall make a record, and deliver the slave, or servant, a copy thereof, containing the name, age, condition, and then place of abode, of such slave, or servant, the reason of such removal, and the place to which he, or she, is about to go.

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13. And if any person, or persons whatever, shall sell or dispose of any such slave, or servant, to any person out of this state, or shall send, or carry, or cause to be sent, or carried, any such slave, or servant, out of this state, for any of the purposes aforesaid, whereby such slave, or servant, would lose the benefits, and privileges, which by the laws of this state, are secured to him, or her, and shall not have obtained all such consent as by this act is required, testified in the manner before mentioned, he or she, severally, his, or her aiders and abettors, shall forfeit, and pay for every such offence, the sum of seventy-five pounds, to be recovered in any court of record, by action of debt, &c. at the suit of any person who will sue for the same, one half to the plaintiff, the other half to the use of the poor, &c.

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14. All persons who now (29th March, 1788,) are, or hereafter shall be, possessed of any child, or children, born after 1st March, 1780, who would by the original act be liable to serve till the age of 28 years, shall on or before 1st April, 1789,—or, within six months next after the birth of any such child, deliver, or cause to be delivered, in writing, to the clerk of the peace, &c. in the place in which they shall respectively inhabit, the name, surname, and occupation or profession of such possessor, and of the county, township, district, or ward, in which they reside, and also the age, (to the best of his, or her knowledge,) name, and sex, of every such child, or children, under the pain and penalty of forfeiting and losing all right and title to every such child and children, and of him, her, or them, immediately becoming free, which return or account in writing, shall be verified by the oath, or affirmation of the party, which the said clerks shall administer, and make and preserve records thereof, copies and extracts of which shall be good evidence in all courts of justice, when certified under their hands and seals of office.—Fee to be one shilling and six pence, and no more.

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15. If any person, or persons shall build, fit, equip, man, or otherwise prepare any ship, or vessel, within any port of this state, or cause the

	same to sail from any port of this state, for the purpose of carrying on a trade, or traffic, in slaves, to, from, or between, Europe, Africa, Asia, or America, or any places, or countries, whatever, or, of transporting slaves to or from one port or place, to another, in any part, or parts of the world, such ship, or vessel, her tackle, furniture, apparel, and other appurtenances, shall be forfeited to this commonwealth, and shall be liable to be seized, and prosecuted by any officer of the customs, or other person, by information, <i>in rem</i> , in the supreme court, or common pleas, for the county wherein such seizure shall be made, whereupon such proceedings shall be had, both unto, and after judgment, [as in and by the impost laws of this commonwealth, in case of seizures, is directed,] and also, knowing, or intending that such ship, &c. shall be employed in such trade, or business, contrary to the true intent and meaning of this act, or any ways aiding, or abetting therein, shall severally forfeit and pay one thousand pounds, one moiety to the commonwealth, the other to the person who will sue for the same.	Page 417
16.	If any owner, or possessor, of any negro, or mulatto, slave or slaves, or servant or servants, for term of years, shall separate, or remove, or cause to be separated, or removed, a husband from his wife, a wife from her husband, a child from his, or her parent, or a parent from a child, of any, or either of the descriptions aforesaid, to a greater distance than ten miles, with the design and intention of changing the habitation or place of abode of such husband, or wife, parent, or child, unless such child shall be above the age of four years, or unless the consent of such slave or servant shall have been obtained, and testified in the manner herein before described, he, or she, shall severally forfeit and pay fifty pounds, &c.	445-6
17.	If any person, or persons shall, by force or violence, take and carry, or cause to be taken and carried, or shall by fraud, seduce, or cause to be seduced, any negro, or mulatto, from any part, or parts of this state, to any other place, or places whatsoever, with a design, and intention of selling and disposing, or of causing to be sold, or of keeping and detaining, or causing so to be, as a slave, or servant for term of years, he, she, or they, their aiders and abettors, on conviction, shall forfeit one hundred pounds to the overseers of the poor, &c. and shall also be confined at hard labour, for any time not less than six months, nor more than twelve months, and until the costs of prosecution shall be paid	446
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	8. If any exporter of staves or heading, shall, after the same have been culled, and adjudged unmerchable, willingly, or wittingly, mix any cullings, or unmerchable staves or heading therewith, or suffer the same to be done, he shall forfeit and pay, for every culling, or unmerchable stave, or heading so mixed, the sum of three pence, (<i>infra</i> , No. 10.)	277

9. The deputies, within six hours after they shall have culled and counted any quantity of staves or heading, shall return to their principal a true and exact account of their transactions therein, under the penalty of one shilling for every hour he shall neglect, or refuse, so to do, that such transaction may be regularly entered in the inspector's book. . . . 277
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- (Vol. 5) 2. Whenever the money in the treasury shall exceed thirty thousand dollars, the governor shall vest the same in Pennsylvania bank stock; and the secretary shall inform the legislature, from time to time, of such investment—Bank stock pledged for certain engagements, &c. . . . 155
- STOLEN GOODS. } 1. When any person shall be accused before a magistrate, on oath, &c. of robbery, &c. and he shall issue his warrant to apprehend such person, or to search for goods so described to have been stolen, if any goods shall be found in the custody or possession of such person, or of any other person, for his, or her, use, and there is probable cause, supported by oath, &c. to suspect that other goods which may be discovered on such search, are stolen, the magistrate may direct the said goods to be seized, and secure the same in his own custody, unless the person, in whose possession the same were found, shall give sufficient surety to produce the same, at the time of his, or her trial. . . . 42
(Vol. 3.) }
2. And the magistrate shall forthwith cause an inventory to be taken of the said goods, and shall file the same with the clerk of the court in which the accused person is intended to be prosecuted, and shall give public notice in the newspapers, or otherwise, by advertising the same in three or more public places in the city or county where the offence is charged to have been committed, before the time of trial, noting, in

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- such advertisement, the said inventory, the person charged, and the time of trial. 42
3. If on such trial, the accused party shall be acquitted, and no other claimant shall appear, or suit be commenced, then, at the expiration of three months, such goods shall be delivered to the party accused, and he, or she, shall be discharged, and the county be liable to the costs of prosecution. 42
4. But if he, or she, be convicted of larceny only, and after restitution made to the owner, and the sentence of the court being fully complied with, shall claim a right in the residue of the said goods, and no other owner shall appear, or claim the said goods, or any part of them, then, notwithstanding the claim of the party accused, such goods shall be detained for the term of nine months, to the end that all persons, having any claim thereto, may have full opportunity to come, and, to the satisfaction of the court, prove their property in them, on which proof, the said owner, or owners, respectively, shall receive the said goods, or the value thereof, if from their perishable nature, it shall have been found necessary to make sale thereof, upon paying the reasonable charges, incurred by the securing the said goods, and establishing their property in the same. 42
5. But if no such claim shall be brought, and duly supported, then the person so convicted, shall be entitled to the remainder of the said goods, or the value thereof, if sold as aforesaid, agreeably to the original inventory. 42
6. But if upon attainder of burglary, or robbery, the court shall, after due inquiry, be of opinion that the said goods were not the property of such burglar, or robber, they shall be delivered, together with a copy of the said inventory, to the commissioners of the county, who shall endorse a receipt therefor on the original inventory, register the said inventory in a book, and also cause the same to be publicly advertised, giving notice to all persons claiming the said goods, to prove their property therein to the said commissioners; and unless such proof shall be made within three months from the date of such advertisement, the said goods shall be publicly sold, and the neat monies arising from such sale, shall be paid into the county treasury, for the use of the commonwealth. 42-3
7. But if any claimant shall appear within one year, and prove his, or her, property in said goods, to the satisfaction of the commissioners, or, in case of dispute, shall obtain the verdict of a jury in favour of such claimant, he shall be entitled to recover and receive the same from the commissioners, or treasurer, &c. 43

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HENRY. } 1. Certain trustees authorized to sell the real estate of Henry Stra-
(Vol. 5.) } ter, a lunatic, for his benefit, &c. 42

- STRAYS. }
(Vol. 4.) } 1. The inhabitants of the counties of Philadelphia, Bucks, Chester, Lancaster, Northampton, Wayne, and Delaware (and of Montgomery and York, vol. 5, pa. 147,) at the time of electing supervisors of the highways, shall elect a town clerk; and the judges of the election shall certify the same to the quarter sessions, the clerk of which shall make a record thereof, &c. ten dollars penalty for refusing to serve, and the quarter sessions shall appoint another—the town clerk shall immediately thereafter provide a book, to be kept as near as conveniently may be to the place of holding township elections; the price to be paid out of the monies raised for the purpose of repairing roads. 42-3

2. If any person shall discover upon his or her improved, and inclosed lands, any stray cattle, horse, or sheep, he may take up the same, and shall give notice thereof to the owner, if he, or she can be readily found; but if otherwise, such person shall, within four days, deliver to the town clerk, a particular description of the colour and marks, natural or artificial, of such stray, or strays, in writing, or other satisfactory way;—five dollars penalty for neglect or refusal; and the town clerk, (on like penalty,) shall enter the same in the

book aforesaid,—fees prescribed—to be paid by the person delivering the notice, who may detain such stray, or strays, until the owner shall reimburse him, or her, for the expense of such entry, and also pay all reasonable charges of publishing such notice, not exceeding, &c.—and the reasonable expense for keeping such stray, or strays, as well as the damage which may have been done by the same. 473

3. If the owner of the stray shall appear, and neglect or refuse to make, or tender a reasonable satisfaction to the party injured, for said costs, and damages, or if the person detaining such stray, shall not accept the said satisfaction, either of them may complain to a justice of the proper township, or county, who shall thereupon issue his warrant, directed to three disinterested, and honest freeholders of the neighbourhood, commanding them forthwith to view the trespass, value and appraise the same, having due regard to the sufficiency of the fence, with the expense, and cost of keeping the same, and make report thereof to the justice, with all convenient speed. And if such valuation and appraisement shall not amount to more than the money tendered before such complaint, the justice shall give judgment for the same, only, to the party refusing such tender, and award reasonable costs; but if it amount to more, or if no such tender be made, then he shall give judgment for the valuation aforesaid, to the party injured, with reasonable costs for keeping the stray, to be estimated from the time of giving notice as aforesaid) against the other party, and shall award execution upon every such judgment, with costs of suit. 473-4
4. But if the valuation and appraisement exceed the jurisdiction of the justice, the damages shall be recovered as debts of an equal amount are by law recoverable. 474
5. If no owner for any such stray shall have been found, within thirty days after the same shall have been taken up, then the person taking up the same, shall not be entitled to receive any compensation for the damages, unless within six days thereafter, he shall have given notice to three disinterested freeholders, to value and ascertain the amount of the same, which they are required to do, and make report thereof, on oath, forthwith, to any justice residing in the proper township, who shall, when the owner of such stray shall be found, upon his neglect, or refusal to pay the same, give judgment and award execution, as aforesaid. 474
6. If the amount of the said appraisement and valuation, be not within the jurisdiction of a justice, the damage may be recovered in court; and in all cases before a justice, the defendant, or plaintiff, shall have the like benefit of stay of execution, or appeal, as in other cases. 474
7. If no owner shall appear, within thirty days after any such stray shall have been taken up, the person taking up the same shall cause an advertisement, particularly describing such stray, to be published at least in one newspaper, in the proper county, if any there be, but if not, by written, or printed advertisements, put up at six, or more, public places in the county; and if no owner shall appear, and make out his, or her property in the said stray, or strays, within ninety days after such advertisement, the person taking up the same, shall apply to a justice in the township, who shall issue his warrant to any constable therein, and cause him to expose the said stray, or strays to public sale, &c. and after payment of all reasonable damages, charges, and costs of keeping, shall pay the surplus, if any, to the county treasurer;—but if the owner shall appear within one year after sale, and prove property in such stray, the said justice, or any other justice in the county, shall certify the same to the county treasurer, who shall pay to the said owner, the whole amount of such surplus; but if no owner shall appear within the time limited, he shall be barred of all right to the same; and the money shall be applied to county uses. 474
8. If any person, taking up a stray, shall neglect to give notice, as before directed, he, or she, shall forfeit all right and title to any

	damages, &c. and shall deliver up the stray so detained, to the owner, without recompense, fee, or reward.	Page 475
	9. The books of the town clerks, shall be at all times kept open, and free for any person, who may have occasion to search therein for any stray, without fee, under penalty of three dollars to the party grieved.	475
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11. He shall be appointed for three years, subject to removal, by address of both houses of the legislature.	48
12. He shall account, quarter yearly, with the auditor general, on oath, &c.—and pay the public monies received by him, monthly, into the state treasury.	234
13. He shall deliver to the commissioners of Philadelphia county, on application, all plans, drafts, and other documents, in his office, which, in his opinion, do not properly belong to the land office, but to the city, and county of Philadelphia.	340
14. Enjoined to direct a survey, to ascertain the overplus lands, in the triangular tract, at lake Erie.	380
15. He shall make report to the legislature, during the first week of every session, of the business that shall have been performed in his office within the preceding year, together with the state of his office, during that period.	389
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SWIFT, CHARLES. } 1. The name of Charles Swift, junr. changed to Charles Riche. 113
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SWINE. } 1. No swine shall be suffered to run at large, without rings and yokes, under penalty of forfeiting half the value thereof—and if any person shall find on his, or her lands, any swine, hog, or hogs, shoat, or shoats, or pigs, without rings in their noses, sufficient to prevent their turning up the ground, and triangular, or three cornered yokes, or bows about their necks, and to extend at least six inches from the angular point, or corner, sufficient to keep them from breaking through fences, he may kill, and take, and drive, and carry away such swine, &c. or cause it so to be done; and being so taken, &c. he shall forthwith acquaint a justice thereof, and being by him legally attested, that the said swine were taken as aforesaid, without yokes, or bows, and rings, the justice shall immediately appoint and order two indifferent persons of the neighbourhood, to view and make a just and reasonable appraisement of all such swine, &c. and make return of their value, number and marks, to the justice, as soon as conveniently may be done after the appraisement—one half of which shall be forfeit to the person, or owner, or possessor of the land, where found, or taken; who shall pay to the justice the other half for the use of the owner of the swine; and the swine shall be the property of the owner of the land. 70-1

2. The justice shall make publication thereof, by a paper affixed on his house, and on some tree near the high road side, declaring the number, marks, and appraisement, of all such swine, and by whom taken up, that the owners may have notice thereof; to whom the justice shall pay the said other half of the value, first deducting two shillings for the appraisers, and two shillings to the justice's clerk, for their trouble therein.—But if said half do not amount to the four shillings, the taker up shall pay what is deficient thereof. 71

3. If no person appear, within twelve months after the said appraisement, to claim the said moiety, then the justice shall pay what money he received, the charges first deducted, to the overseers of the poor of the township, where taken up, for the use of the poor thereof, and the owner shall be barred of all right. 71

4. Swine, whether yoked, ringed, or not, shall not run at large, in Philadelphia, Chester, or Bristol—penalty, &c, as aforesaid. 71

5.—The foregoing provisions extended over the state. 176

(Vol. 2.) 6. In the counties of Bedford, [Northumberland,] Westmoreland, [Washington,] and Fayette, it shall not be lawful to kill, take, or carry away any swine, shoat, or pig; but in case of trespass, shall take and impound the same—and appraisers to be elected annually, to appraise the damages, &c. 97

— Repealed as to Northumberland, vol. 3, pa. 417.

as to Luzerne, vol. 4, pa. 243.

as to the borough of Somerset, vol. 4, pa. 408.¹

as to Washington and Allegheny, vol. 4, pa. 528.

as to the boroughs of Union town, and Connellsville, in Fayette county, vol. 5, pa. 83.

(See title "Fences.")

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	— Supplement, vol. 4, pa. 530.	
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(Vol. 4.)	4. Act directing the mode of selling unseated lands for taxes—deputy surveyors, on application to furnish the county commissioners with drafts of surveys in their possession, &c. unseated lands shall be valued, and assessed, as other property—but the collection thereof shall not be enforced by sale, till after twelve months from the date of the assessment, and after four weeks additional notice, that one, or more, years taxes are due; and if the tax remains unpaid three months after such notice, the commissioners shall issue a warrant for sale, &c. Judgment bond to be taken from purchaser for the surplus, beyond the amount of taxes, which shall be a lien on the land, &c. (<i>infra</i> , No. 11.)—(See vol. 5, pa. 92, as to the borough of Beaver.)	201-2
	5. The commissioners shall file in the prothonotary's office, one, at least, of each of the newspapers, in which they shall have published their general notice, which newspaper, so filed, with the affidavit of at least one of the printers, that the said notice was published in the usual number of his papers, and the advertisement [of the sheriff, or coroner] filed as aforesaid, shall at all times thereafter, in any trial at law, respecting the validity of the sale, be deemed and taken as sufficient evidence of legal notice of such sale.	202
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3. If any person shall erect, make, or fix, or cause to be made, erected, or fixed, on any wharf within the city of Philadelphia, any building, inclosure, or other obstruction, whereby a free passage over and along the same shall be impeded or prevented, every such person shall forfeit and pay for every such offence, any sum not exceeding one hundred dollars, to be recovered, &c. and the wardens shall cause the same to be abated, or removed, if the owner, or occupier of any such wharf, shall neglect or refuse to abate, or remove the same, on three day's notice from the board of wardens. 79

— But this shall not be taken, or construed, in any wise, to prevent any such owner, or occupier, from depositing, during a reasonable time, on any such wharf, goods, wares and merchandize, unladen from, or about to be shipped, on board of any ship, or vessel, or for the purpose of being stored, always allowing a sufficient passage for carts, waggons and drays; nor, in any wise, to hinder any person, otherwise intitled so to do, from erecting any building, or inclosure, on any part of such wharf, lying to the westward of low water mark, or tideway of the river Delaware. 79

4. When any person shall be desirous to extend any wharf, or other building of the nature of a wharf, or to cause the same to be made, in the tide way of the river Delaware, from any part of the city, or Liberties of Philadelphia, he shall apply to the board of wardens, at any monthly meeting, stating, in writing, the nature, extent, and plan, of such intended wharf, or building, and produce his title for the lot, or lots; and if it shall appear to the board of wardens, or a majority of them, that such plan and design may be lawfully executed, and will not improperly encroach upon, or injure the channel, or harbour, the board, at any stated monthly meeting, or when specially convened, shall give their assent and license, for erecting, extending or making such wharf, or building, and cause the same to be recorded in their office. 71

5. But if the board shall deem it improper to give such assent and license, and the applicant shall think himself aggrieved by their resolutions, he may apply to the court of common pleas of Philadelphia, who shall order a jury of twelve suitable men, who, under oath, or affirmation, shall view the premises, and make report to the wardens of their decision, which shall be final and conclusive, a copy of which verdict shall be recorded in the court of common pleas. 71

6. If any person shall make or extend any wharf, or building, as aforesaid, within the city, or liberties, of Philadelphia, into the river Delaware, beyond low water mark, without license first had and obtained from the wardens, as aforesaid, or in case of refusal of the court of common pleas, as aforesaid, he shall, on conviction, forfeit and pay to the board of wardens, the sum of \$ 4000 to be recovered, &c. and shall be compelled by the board to remove such wharf,

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8. But if such leave be duly applied for by the owner, agent, master, or other person, having charge of any such ship, or vessel, and refused by the owner or possessor of any wharf within the limits aforesaid, being vacant in the whole, or in such part as may reasonably accommodate the ship or vessel so applied for, and such vacancies shall not be occupied by some ship, or vessel, in which the owner, or possessor of the wharf has an immediate interest, for twenty-four hours after such application and refusal, it shall then be lawful for the ship or vessel, first applied for, to be moored at, and occupy such wharf, or part thereof, for so long time as shall be requisite for the despatch of her business, subject nevertheless to the controul and direction of the master warden, for the time being. 71-2

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mayor's court in London, or in some manor court, or before such as have, or shall have power in England, or elsewhere, to take probates of wills, and a copy of such will, with the probate thereof, annexed, or indorsed, being transmitted hither, under the public or common seal of the courts or offices where the same shall be taken, and recorded or entered in the register's office in this province, shall be good and available in law, &c. unless annulled, disproved, or revoked, &c. 33-4

2. But if any such will, within seven years after testator's death, shall appear to be disproved, or annulled, before any judge, or officer, having consance thereof, or shall appear to be revoked, or altered by the testator, either by a later will, or codicil in writing, duly proved, as aforesaid, then the party grieved, his heirs, &c. may have an action for what shall be taken or detained from them by occasion of such wills, or have a writ of error to reverse the proceedings thereon, as the case shall require. 34

3. No will in writing, concerning any goods or chattels, or personal estate, shall be repealed, nor shall any clause, devise, or bequest therein, be altered, or changed by any words, or will, by word of mouth only, except the same be, in the life time of the testator, committed to writing, and after the writing thereof, read unto the testator, and allowed by him, and proved to be so done by two, or more, witnesses. 35

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- 13 Edw. 1, stat. 1, c. 39, 45. Vol. 1, pa. 68-9.
28 Edw. 1, stat. 3, c. 16. ib.
31 Edw. 1, stat. 1, c. 11. ib. pa. 42.
12 Edw. 2, stat. 1, c. 6. ib. pa. 68-9.
4 Edw. 3, c. 2. Vol. 2, pa. 598.
34 Edw. 3, c. 1. Vol. 1, pa. 6.
50 Edw. 3, c. 6. ib. pa. 398.
52 Hen. 3, c. 4, 15. ib. pa. 376.
11 Hen. 6, c. 5. ib. pa. 378.
3 Hen. 7, c. 4. ib. pa. 398.
7 Hen. 8, c. 4. ib. pa. 378.
21 Hen. 8, c. 5. ib. pa. 42.
32 Hen. 8, c. 5. ib. pa. 63-4.
. c. 34, 37. ib. pa. 377.
. c. 28. ib. pa. 378.
37 Hen. 8, c. 8. Vol. 2, pa. 598.
2 & 3 Edw. 6, c. 24. ib.
1 & 2 Phil. and Mar. § 2, 3, 4, 5. } Vol. 1, pa. 57, c. 12. pa. 376.
2 & 3 Phil. and Mar. c. 10, § 2. }
- 13 Eliz. c. 5. } ib. pa. 398.
27 Eliz. c. 4. }
43 Eliz. c. 8. } ib. pa. 43.
3 Jac. 1, c. 8. }
12 Jac. 1, c. 24. } ib. pa. 68-9.
29 Car. 2, c. 3. ib. pa. 390-1.
9 & 10 Wm. 3, c. 15. Vol. 5, pa. 139-40.
3 & 4 Ann. c. 9. Vol. 1, pa. 92.
11 Geo. 2, c. 19, § 14, 15. ib. pa. 376.

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